

PROPOSED AGENDA

COUNCIL MEETING

February 9, 2011

7:00 PM

CALL TO ORDER – Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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COUNCIL MINUTES

SPECIAL MEETING

January 18, 2011

A special meeting of the City Council of the City of Jacksonville was held Tuesday, January 18, 2011 beginning at 4:00 PM in the Council Chambers of Jacksonville City Hall, 815 New Bridge Street. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie Coleman, Michael Lazzara, and Robert Warden. Council Member Jerome Willingham was unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager; Glenn Hargett, Communications and Community Affairs Director; Carmen K. Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Phillips called the meeting to order at 4:00 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Bittner, and unanimously approved to adopt the agenda as presented.

WELCOME

Mayor Phillips recognized and introduced the Legislative Delegation and County Commissioners who were in attendance.

C. PETER MAGRATH COMMUNITY ENGAGEMENT AWARD RECOGNITION

Ms. Sheila Pierce, Vice Chairman of the Sturgeon City Board of Directors, stated she was honored in bringing home the C. Peter Magrath Community Engagement Award to all those who made it possible. A short video was shown regarding the clean-up of the New River and the beginning of Sturgeon City.

Ms. Pierce then introduced Dr. James Zuchies, Vice Chancellor for Extension, Engagement and Economic Development from NC State University. He was delighted that the Riverworks at Sturgeon City project was selected for the Southern Regional award and then won the National Award. Dr. Zuchies presented the award sculpture to the City so that it could be displayed at City Hall, then at Riverworks at Sturgeon City, before being given back to NC State.

He also stated that Riverworks at Sturgeon City was awarded \$20,000 to move the program forward. This engagement award was in recognition of an extraordinary partnership between NC State University and many committed partners. Certificates of Recognition were presented to those partners.

J.P. McCann, Executive Director of Sturgeon City, acknowledged Mona Padrick and the Jacksonville-Onslow Chamber of Commerce for their help; Peggy Gardner from the Cooperative Extension for their continued support; Dr. Jay Levine for whom this project would not have happened without his assistance and persistence; Larry Hobbs who was one of the first partners; and Pat Donavon-Potts. Mr. McCann reviewed the plans for a civic environmental education center. The center would stand as a demonstration of this community's commitment to the river, and a testament that we were working together to improve the quality of life in our community and Eastern North Carolina.

Mayor Phillips thanked those involved with the initiative for working so diligently and giving back vitality to the river.

RECESS

Mayor Philips recessed the Special Meeting at 4:19 PM in order for City Council to attend the Joint City Council/Onslow County Board of Commissioners Meeting.

RECONVENE

Mayor Phillips reconvened the Special Meeting at 6:06 PM.

CLOSED SESSION

A motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously approved to recess the Special Meeting at 6:07 PM in order to convene a Closed Session for the purpose of consulting with the attorney in order to preserve the attorney client privilege and for discussion of personnel matters, pursuant to General Statute 143-381.11.

RECONVENE

Mayor Phillips reconvened the Special Meeting at 6:58 PM and announced that no reportable action had been taken in closed session.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to adjourn the meeting at 6:58 PM.

JACKSONVILLE CITY COUNCIL
ON SLOW COUNTY BOARD OF COMMISSIONERS

SPECIAL JOINT MEETING MINUTES
WITH ON SLOW COUNTY AREA LEGISLATIVE DELEGATION

January 18, 2011

A special joint meeting of the City Council of the City of Jacksonville and the Onslow County Board of Commissioners was held Tuesday, January 18, 2011 beginning at 4:27 PM in the Council Chambers of Jacksonville City Hall, 815 New Bridge Street. Council Members present: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie Coleman, Michael Lazzara, and Robert Warden. Council Member Jerome Willingham was unable to attend. Board of Commissioners present: W.C. Jarman, Chairman; Paul Buchanan, Vice Chairman; Barbara Melton Ikner, William H. Keller, III, and Lionell Midgett. Legislators present: Harry Brown, NC Senator – District 6; Jimmy Dixon, NC House – District 4; George Cleveland, NC House – District 14; and Phillip Shepard, NC House – District 15. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager; John Carter, City Attorney; Carmen K. Miracle, City Clerk; Jeff Hudson, County Manager; Alvin Barrett, Deputy County Manager; Lesley Moxley, County Attorney; and Julie Wand, County Administrative Assistant.

CALL TO ORDER

Chairman Jarman called the Onslow County Board of Commissioners to order at 4:27 PM. Mayor Phillips called the Jacksonville City Council to order immediately thereafter and thanked the legislative delegation for joining them.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Pledge of Allegiance.

INVOCATION

Mr. Carter pronounced the invocation.

ADOPTION OF AGENDA

After Mayor Phillips introduced the Legislators, County and City officials, a motion was made by Councilman Thomas, seconded by Councilman Warden and unanimously approved to adopt the agenda as presented. A motion was made by Commissioner Midgett, seconded by Commissioner Ikner, and unanimously approved to adopt the agenda as presented.

DELEGATION COMMENTS

The Legislative Delegation began the meeting by discussing their perspectives and insights on the upcoming legislative session.

Senator Harry Brown began the discussion by stating that this legislative session would be special in many ways as it was the first time in 147 years that the Republicans had control of the North Carolina House and Senate. He felt this would be a good change in that there would be fresh and new ideas, but the tough part would be the budget situation.

Both Senator Brown and Representative Cleveland voted against the budgets that created the \$3.7 billion dollar deficit. The current budget was going to be painful and there would be a lot of state employees losing jobs and agencies being consolidated or eliminated, but the hard decisions had to be made.

Senator Brown noted that the State was facing redistricting which happened every 10 years. With a population growth of about 18%, he was concerned about the change. Wake and Mecklenburg Counties would each add an additional Senator because of their population growth, giving them 10 out of the 50 Senators. This could affect key issues for the rural counties.

Senator Brown felt another key point of the session would be that the legislation would make more positive moves towards being business friendly.

Representative Jimmy Dixon stated that over the last couple of decades the State had overspent resources resulting in the current \$3.7 million deficit. He expressed optimism that a turnaround in the budget situation could be accomplished without tax increases. He said they would need to have a strong voice in Raleigh to keep them from passing unfunded mandates on the cities and counties; however, everyone had to look at ways to tighten the belt.

Representative George Cleveland agreed with Representative Dixon. The budget shortfall was a problem that had to be solved and he also wanted to make sure it wasn't a problem passed on to local government.

Representative Phil Shepard felt there was an opportunity for everyone to work together in a way that changes would be less painful to our school systems, county and cities. He stated we should see more teamwork with universities working together and different boards working together. This would draw people together more than ever before and would be in the best interest of everyone.

LOCAL GOVERNMENT COMMENTS

The County Commissioners and City Council presented their proposed legislative goals as shown in Exhibit A – Priorities for the Legislative Delegation, attached to the official minutes.

Commissioner Barbara Ikner stated that two years ago the County knew this day would be coming and tried to position itself to be ready. She stated the County had great concerns if the State turned over secondary roads. Even if Powell Bill funds were given to them, it wouldn't be enough to absorb the cost. She asked Senator Brown on his position regarding transportation.

Senator Brown didn't think this issue would come up during this session. There were two sources of funding for transportation – tax on automobiles and tax on gasoline at the pump. There had been debate on finding another source. The shortfall in those dollars was due to the reduction in cars being purchased and people not traveling as much. He did not see the State placing this burden on the counties now.

Commissioner Buchanan asked how lottery funds were going to be controlled this year and if they would go towards school construction. Senator Brown stated that most of the funds went towards the More-at-Four program. He had fought for all to go to school construction, but could not get the support to make that happen. There may be some upcoming Bills on how the lottery funds were spent and he was going to try again to have those funds go towards school construction.

Commissioner Midgett asked that the counties be allowed to have a revision in their tax structure as well as the State so they didn't have to rely solely on the ad-valorem taxes. All counties should have revenue options to best meet the needs of the County. It shouldn't have to come from just 1/3 of the taxpayers through property taxes.

Mayor Pro-Tem Lazzara thanked the Legislators for their supportive position on unfunded mandates and protecting local revenue streams. Local government was also at their limit and could not see additional taxing on their citizens.

Councilman Bittner stated that with a \$3.7 billion deficit, the State needed to look upon it as an opportunity to reorganize State government and create more effective means of delivering services, looking at those that were essential, and those that needed to be marginalized or eliminated. At the same time there should be a task force charged with looking long range at the efficiencies and reorganizations that might be necessary. Councilman Bittner also wanted to know the State's position for offshore drilling for gas and oil.

Representative Cleveland stated he supported offshore drilling for gas and oil and felt the technology was there to protect the environment. Senator Brown stated that drilling was coming, but he wasn't sure if it would be looked at during this session. In regard to Councilman Bittner's statement on reorganization, there was a new committee in the Senate looking at State government and how it was organized. The whole tax structure had to be broad and revenue neutral to work, but he felt it would be heavily lobbied for exemptions.

Representative Cleveland stated that once government got past providing the core services, there wasn't a revenue problem. Instead it was a spending problem. His approach would not be to look for new sources of revenue, but to cut down on revenue spending. The government was robbing free enterprise and individuality from functions they could perform better than government.

Councilman Thomas asked for legislative support in two matters - one to eliminate the distribution of the chemical Spice and to take the necessary actions that would deter repeat offenders. Instead of making the punishment fit the crime, the punishment should deter the next crime.

Council Member Coleman asked about the State Retirement System. Discussion followed on both the State Retirement System and the State Health Care System. Representative Cleveland stated that the systems had to be changed in the near future. There were a lot of things outside the normal legislative process that were pressing on the State and given time and common sense, they could be solved. Senator Brown stated that the retirement and health programs have been underfunded for the last several years. He felt the retirement age would need to rise and employees would have to pay a portion of the health care figure.

Councilman Warden stated that full retirement with benefits should be at age 60 or 65 and not after 30 years of service. He was concerned for preserving what we had for those who earned retirement, but felt that government needed to be equitable with what private industry was doing.

Representative Cleveland discussed the State's obligations on a yearly basis to the State Retirement System. He said that the State was deciding what it was going to contribute, which was usually less than what was needed. They were not bankrupting the system, but were not meeting their full obligation. Mayor Pro-Tem Lazzara pointed out that it was not fair that the municipalities were obligated to fully fund and the State was not. Representative Dixon stated

that the figures showed the retirement fund was \$43 billion underfunded and the healthcare fund was \$35 billion underfunded.

Councilman Warden told legislators that they wanted to make sure that collective bargaining for City-County employees did not happen. Representative Cleveland felt that North Carolina should stay a right-to-work state, but unions have been lobbying heavily to change that. Councilman Warden stated if employees were being mistreated, then unions had a place, but he felt government employees have many privileges not available in private industry.

Commissioner Buchanan asked about the ABC issue and Senator Brown stated that it would be brought up this session. Commissioner Ikner told legislators it was important to maintain the current system as revenues went into every municipality, hospital and law enforcement budget and were depended upon locally.

Mayor Phillips closed by saying there were a lot of decisions that would have to be made that were unpopular with a lot of people, but he felt we were sending representative to Raleigh who would keep our city and county's best interests in mind.

The Legislators, County Commissioners, and City Council all expressed how helpful they had found this meeting and suggestions were made for the groups to try to meet together more often.

ADJOURNMENT

With no further business to come before the Onslow County Board of Commissioners, a motion was made by Commissioner Buchanan, seconded by Commissioner Ikner, and unanimously adopted to adjourn.

With no further business to come before the Jacksonville City Council, a motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 5:52 PM.

COUNCIL MINUTES

REGULAR MEETING

January 18, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, January 18, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Adah Roberts, Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:06 PM.

PLEDGE OF ALLEGIANCE

Councilman Thomas led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to add Item 12 – Designation of Voting and Alternate Voting Delegates to the North Carolina League of Municipalities Advocacy Goals Conference.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held January 4, 2011 as presented and the minutes of the Regular Meeting held January 4, 2011 as presented.

PRESENTATIONS

AWARD RECOGNITION – NATIONAL NIGHT OUT NATIONAL AWARD
WINNER

Mayor Phillips presented the National Association of Town Watch Award to Chief Yaniero and his staff for their efforts on the 2010 National Night Out that was held at Riverwalk Crossing Park on August 3, 2010. Chief Yaniero stated that out of cities our size, only 46 departments out of 10,000 agencies nationwide received this award.

PUBLIC HEARINGS

VOLUNTARY ANNEXATION PETITION – DELTA INVESTORS – WESTERN
BLVD. – 10.88-ACRE TRACT

Mr. Ron Massey, Assistant City Manager, stated that a voluntary annexation petition was received from Parker and Associates on behalf of S. Douglas Padgett, Jr. This was a 10.88-acre tract that was contiguous to the current City limit boundaries. The site was located along Western Boulevard across from Commons Drive North. This annexation included the right-of-way portion of property dedicated to NCDOT for future Western Parkway. A letter submitted with the petition indicated possible future development of the site as a commercial subdivision that included a 110 room hotel and 3 possible restaurants. However, no firm development plans had been submitted to the City at this time.

Mayor Phillips recessed the regular meeting at 7:14 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips recessed the Public Hearing at 7:15 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the Annexation Ordinance of the 10.88 acre tract as presented. Ordinance 2011-04, Bk. 10, Pg. 285

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, stated he was upset with the situation that was going on at the Land Application Site. Several consultants have been hired since 2007 to review the land application site. Last December, City staff stated that the land application had about 6% damage. Mr. O'Connor stated that after he went on a walk-through with staff, he felt there was significantly more than 6% damage. He felt it was potentially going to be at least a million dollar fix and he held the elected officials and those at the site responsible.

David Williams, 109 Shadowbrook Drive, stated for years he had approached Council on how the City looked to outsiders. About a year ago he went door-to-door with petitions asking if citizens wanted the City of Jacksonville to do more to clean its major roadways. As time went by, it was evident by the visible improvements that Council also wanted to see the major thoroughfares of the City cleaner. He presented the petitions signed by 623 citizens in support of the efforts to clean and beautify the City. The petitions would be retained in the January 18, 2011 Council Meeting Exhibit File.

NEW BUSINESS

CONSENT ITEMS

FY11 SECOND QUARTER GENERAL BUDGET AMENDMENT

During the second quarter of FY11 several departments had submitted budget amendment requests. The details of the adjustments were in the staff report. This budget amendment decreases appropriated fund balance in the FY11 General Fund Budget by \$149,374.

Council approved the budget amendment.

Ordinance 2011-05, Bk. 10, Pg 291

BUILDING INSPECTION FEE SCHEDULE AMENDMENT (SIGNS)

An amendment to the City Fee Schedule was proposed that reduced the current Sign Permit Fee. This would support a request to lower fees where there were multiple signs per address. Billboard signs would not be affected by this change. Currently, when a single property had multiple signs, the owner was charged a \$90.00 fee for each sign. This proposed fee amendment would charge the owner a \$90.00 fee for up to five signs, \$45.00 for signs 6-10 and then \$45.00 for each subsequent signs over 10 signs.

Council approved the amendment to the Fee Schedule.

ACCEPTANCE OF PUBLIC IMPROVEMENTS: CARRIAGE RUN, SECTIONS IV-A, IV-B AND IV-C AT CAROLINA FOREST AND CARRIAGE RUN, SECTION V-A AND V-B AT CAROLINA FOREST

The Engineering Division had observed the work performed, approved the construction and filed inspection reports recommending the approval of Carriage Run, Sections IV-A, IV-B and IV-C and Carriage Run, Sections V-A and V-B at Carolina Forest. The improvements included water, sewer, roads, storm drainage and sidewalks. If accepted, these improvements would be covered by a warranty that would expire 18 months from this date.

Council accepted for City maintenance the public improvements in Carriage Run, Sections IV-A, IV-B and IV-C and Carriage Run, Sections V-A and V-B at Carolina Forest.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Emerson Park at Williamsburg Plantation, Section I; Palmetto Park; Victory Way; and Western Parkway Subdivision. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

TAX RELEASES, REFUNDS AND WRITE-OFFS

The County/City Tax Collector and City's Finance Director recommended releases, refunds, and write-offs of property taxes respectively \$90,611.88, \$1,123.34, and \$72.55 (\$91,807.77). The detail list of these tax releases and refunds was available in the Finance Office for review.

Council approved the tax releases, refunds and write-offs.

AUTHORIZATION TO SUBMIT PARTF GRANT APPLICATION FOR CAROLINA FOREST PARK

The deadline for the State Parks and Recreation Trust Fund (PARTF) grant application was the end of January 2011. Staff requested City Council's permission to apply for PARTF grant funding for the Carolina Forest Park project prior to the State's January deadline.

Council authorized submission of the PARTF grant application for the Carolina Forest Park project.

NON-CONSENT ITEMS

CONCEPT FOR DOWNTOWN OFFICE BUILDING

Mr. Ron Massey, Assistant City Manager, introduced Mr. Cliff Ray who briefed Council on a concept for developing a new professional office building in the downtown area. Mr. Ray stated that with the upcoming completion of the Justice and Public Safety Centers, they recognized the need for private developers and landowners downtown to participate in making for a successful revitalization of downtown. City Code did not have a requirement for parking in

downtown development; therefore he was coming before Council to not only to share his plans, but to ask for permission for staff to discuss other options for offsite parking. With a building this size, off-site parking would be needed to make the building viable.

Mayor Phillips asked if staff had a count of parking spaces downtown. Mr. Woodruff stated that was actually two questions – how many spaces where there and how many were available. Staff could get that count, but he knew that there were very few spaces available. They would divide the categories into currently public owned parking spaces being a combination of City and County, institutional parking spaces such as those available at the church, and private parking including only those facilities that may have potential.

Mayor Phillips stated that other towns have taken advantage of using multi-tier parking facilities which could be a public-private venture. He felt one of the things that stifled downtown development was the limited parking availability.

Mayor Pro-Tem Lazzara stated that parking was part of the Downtown Master Plan and there had been discussions with the County of possibly building a parking deck together. It needed to be revisited. Mayor Phillips felt that alternatives needed to be explored for parking in the downtown area.

Council indicated their approval for staff to review downtown parking options.

FY 2011 GOVERNOR'S CRIME COMMISSION GRANT APPLICATION –
BUSINESS WATCH CRIME PREVENTION PROJECT

Chief Mike Yaniero, Jacksonville Police Department, stated that the Police Department was seeking authorization to submit an application for the FY 2011 Governor's Crime Commission (GCC) Grant Program. The Police Department had prepared a proposal to apply for the grant funding to establish a Business Watch Crime Prevention Project in partnership with the Jacksonville-Onslow Chamber of Commerce.

Mona Padrick, President of the Jacksonville-Onslow Chamber of Commerce, stated they were delighted to partner with the Jacksonville Police Department on another endeavor to help the business community. The Business Watch Program would address successful crime prevention strategies specific to small businesses

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to authorize the City Manager or his representative to submit an

application for the FY2011 GCC Grant on behalf of the City of Jacksonville and accept the grant if awarded.

Ordinance 2011-06, Bk. 10, Pg. 295

BUDGET AND CIP AMENDMENTS FOR SCADA FOR WASTEWATER LIFT STATIONS

Mr. Pete Deaver, Utilities Maintenance Supervisor, stated that the existing SCADA (Supervisory Control and Data Acquisition) system that served the wastewater lift stations was a stand alone system that was not compatible with the recently upgraded SCADA system that served the City's Water Treatment Plant and Wastewater Treatment Plant. The current system did not allow the Plants Maintenance Mechanics to access the system unless they traveled to the Water Treatment Plant or to the Commons elevated water tank and connect via a laptop. The current system was aged and had become unreliable.

Mr. Woodruff added that the SCADA upgrade was originally scheduled for the FY12 year. Unfortunately with the recent spill at the Northeast lift station, staff felt that they could not wait until the next budget year. Council was being asked to move the funding for the design and first phase of the SCADA system to the present.

Councilman Thomas asked how this would sequence into the other lift stations in need of retrofit. Mr. Deaver stated that as a lift station was rehabilitated, the new hardware would be installed and would function with the existing SCADA. When the new SCADA software was installed, the upgrade would be seamless.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the budget and CIP amendments for the implementation of Phase I of the SCADA System Project.

Ordinance 2011-07, Bk. 10, Pg. 296

Ordinance 2011-08, Bk. 10, Pg. 297

BOARD OF ADJUSTMENT APPOINTMENT & REAPPOINTMENT

The Jacksonville Board of Adjustment was a seven member City Board that included two Extraterritorial Jurisdiction (ETJ) members. ETJ members were appointed by the County. One City representative had resigned, which created a vacancy on the Board. There were two (2) applicants interested in this appointment. One applicant currently served the Board of Adjustment in the alternate position. The second applicant had expressed interest in serving as a full member, or as the alternate member.

Councilman Jerry Bittner, Council Liaison to the Board of Adjustment, nominated Marty Goldman as the City Representative to an existing term expiring June 30, 2011 and appointed Thomas Nicoll as the Alternate City Representative to an existing term expiring June 30, 2013.

A motion was made by Councilman Willingham, second by Councilman Thomas, and unanimously adopted to close nominations and to appoint the nominees by acclamation.

**DESIGNATION OF VOTING AND ALTERNATE VOTING DELEGATES FOR
NORTH CAROLINA LEAGUE OF MUNICIPALITIES ADVOCACY GOALS
CONFERENCE**

The North Carolina League of Municipalities (NCLM) Advocacy Goals Conference was scheduled for January 20, 2011 at the Raleigh Convention Center. Under the League Constitution and the voting procedures established by the League Board of Directors, each member municipality sending delegates was required to designate one (1) voting delegate and one (1) alternate voting delegate to cast the City's votes on establishing legislative priorities. NCLM staff had recently informed the City that voting and/or alternative voting delegates could be Council Members, or a senior staff member, should Council so desire. Mayor Pro-Tem Lazzara was currently registered to attend as was City Manager Dr. Richard Woodruff.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to appoint Mayor Pro-Tem Lazzara as the City's designated voting delegate and Richard Woodruff as the alternative voting delegate at the NCLM Advocacy Goals Conference.

PUBLIC COMMENT

There was no one present desiring to speak during this public comment section.

REPORTS

DOWNTOWN DEVELOPMENT

Councilman Willingham commended Mr. Cliff Ray on his downtown development ideas and encouraged staff support.

ONWASA

Councilman Bittner reported that ONWASA would meet on Thursday, January 20, 2011 and the mandatory connection problem was no longer an issue.

LAND APPLICATION SITE

Mayor Pro-Tem Lazzara stated that he had not planned on commenting regarding the discussion on the Land Application Site and tree issues, but felt it needed to be clarified that the

tree mortality had not impacted the citizens financially, and had not impacted the City's ability to treat waste. Staff was taking all the necessary steps to find a resolution to the dying trees.

CLEAN & GREEN

Councilman Warden thanked Mr. Woodruff on his leadership efforts of the Clean & Green Initiative.

STURGEON CITY PROJECT

Councilman Thomas reported that earlier this afternoon Sturgeon City had been presented with a prestigious award for what has taken place on New River. He stated that while challenges were faced with the trees at the land treatment site, the fish were happy.

SANDY RUN COMMUNITY MEETING

Council Member Coleman reported that there would be a follow up Sandy Run Community Meeting on Tuesday, January 25, 2011 at 2:00 PM and 6:00 PM.

JOINT LEGISLATIVE DELEGATION MEETING

Mayor Phillips stated that he felt the joint Council, Board of Commissioners and Legislative Delegation session earlier this afternoon to discuss local issues had been successful; however, the bad news was that on the State level, there were a lot of difficult financial decisions that the legislature would be dealing with in the coming year.

TEAM OF TREE EXPERTS

Mr. Woodruff stated it was his error when he stated several months ago that 6% of the trees at the land treatment site were dead. The reality was that no one had counted the number of dead trees, so the actual percent was unknown; however, staff had consistently stated that there had been tree death. Consultants had been hired for the past few years to research the problem and have come to different conclusions. This past week the chief NCDENR inspector for this area reviewed the site and in his professional opinion felt that the tree death was due to the drought in 2007.

Because of the wide range of opinions, Mr. Woodruff stated a team of tree experts was being brought in to examine the Land Application Site on February 7, 8, & 9, 2011. Their findings and recommendations would be presented to Council at a special meeting on Wednesday, February 9, 2011 at 4:00 PM.

FEBRUARY COUNCIL MEETING CHANGE

Mr. Woodruff reported that Council's first February meeting had been moved to Wednesday, February 9, 2011 to follow the 4:00 PM special meeting with the tree experts.

LAND TREATMENT TOUR

Mr. Woodruff reported that City Council would tour the Land Treatment Site either on Wednesday, January 19, 2011 from 1:00 PM to 4:00 PM or on Saturday, January 22, 2011 from 7:00 AM to 10:00 AM to see first-hand the level of tree death so they were prepared to be better engaged with the tree experts.

HOLIDAY YARD WASTE SCHEDULE

Mr. Woodruff reported that due to the snow closures and offices being closed for the Martin Luther King Jr. holiday, all routes would collect yard debris the same day as they collected the garbage and recycling, but it may not be done at the same time of day.

STATE OF THE COMMUNITY BREAKFAST

Mr. Woodruff reported that the Governmental Affairs Committee would host the 16th Annual State of the Community Breakfast on Thursday, February 3, 2011 at the New River Air Station Officer's Club. Breakfast would begin at 8:00 AM, followed by the program at 8:30 AM where Mayor Phillips would present the State of the City. Staff had arranged for a van to transport those who would like to attend and he requested that Council let his office know of their attendance.

DEPOSITIONS

Mr. Carter stated that he would be in New Bern and Jacksonville the rest of this week and the week of January 31 in depositions.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:10 PM.



City Council Presentation

Presentation Item: A Date: 2/9/2011
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Subject: Distinguished Budget Presentation Award

Department: Finance

Prepared by: Adah M. Roberts

Presentation Description

The Government Finance Officers Association of the U.S. and Canada announced that the City of Jacksonville, NC has received the GFOA's Distinguished Budget Presentation Award for its budget for the fiscal year beginning July 1, 2010.

This the second consecutive year that the City has received this award.

Action

Present Award Plaque to the Finance Department

Attachments:

A Press Release from GFOA



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

November 29, 2010

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Jacksonville, North Carolina** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Finance Department**.

For budgets including fiscal period 2009, 1,214 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving over 17,600 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

Attachment

A



City Council Presentation

Presentation Item: B Date: 2/9/2011
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Subject: Business Yard of the Month Beautification Award

Department: Recreation and Parks

Prepared by: Michael Liquori, Recreation and Parks

Presentation Description

Valerie and Donald Dail of Southeastern Steel Choppers, 125 Wilmington Highway have been recommended to receive a Business Yard of the Month Award from the Beautification and Appearance Commission for outstanding personal property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

Valerie and Donald Dail will be present to accept the award.

Action

Present Business Yard of the Month Award to Valerie and Donald Dail of Southeastern Steel Choppers.

Attachments:

None



City Council Presentation

Presentation Item:	C
Date:	2/9/2011

Subject: Mayor's Committee for Persons with Disabilities Award

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

The Mayor's Committee for Persons with Disabilities provides awards in recognition of individuals, businesses and groups for outstanding work or performance, volunteerism, or accessibility improvements that assist persons with disabilities.

Chick-Fil-A in the Jacksonville Mall was recommended to the Mayor's Committee for Persons with Disabilities to receive an award in the category of Accessibility.

Council Member Fannie K. Coleman is the Council appointed Liaison to the Mayor's Committee for Persons with Disabilities.

Tiffany Choice, Area Supervisor for Chick-Fil-A, Annie Campbell and Rae Rodham will be present to accept the award.

Action

Present Mayor's Committee for Persons with Disabilities Award

Attachments:

None



Presentation Information

Presentation Item: C

Mayor's Committee for Persons with Disabilities Monthly Award

Ms. Annie Campbell and Ms. Rae Rodham, employees at Chick-Fil-A in the Jacksonville Mall, have worked hard to provide accessible areas in their store for their disabled customers.

Customers with a disability have an easier time visiting the restaurant and are made to feel welcome by these two very fine employees.

One father stated that his wheelchair bound daughter was welcomed by Ms. Campbell and Ms. Rodham every time she came in. Ms. Ann even gave the young lady her own Chick-Fil-A apron to ensure that nothing spilled on his daughter's clothing. He reported that this apron has been used by his daughter from Ohio to South Carolina.

The Mayor's Committee for Persons with Disabilities thanks the management and employees of Chick-Fil-A for the difference they make in the lives of our disabled community.



City Council Presentation

Presentation Item:	D
Date:	2/9/2011

Subject: Swearing-in of Major Patrick Traitor

Department: Police

Prepared by: Chief Mike Yaniero

Presentation Description

The retirement of Deputy Chief Paul Spring created a vacancy in the department. This vacancy, and the resulting staffing assessment, led to the creation of the position of Police Major.

Applications were received and reviewed. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews.

Captain Patrick Traitor was selected for the position of Major.

Action

Administer Oath of Office to Major Patrick Traitor

Attachments:

A Biography – Oath of Office



Presentation Information

Presentation
Item:

D

Biography – Patrick Manning Traitor

Patrick Manning Traitor

Children: Daughter, Morgan – age 13
Daughter, Skylar – age 6

A lifelong resident of Onslow County, Patrick Traitor began his law enforcement career with the Jacksonville Police Department in March of 1995 as a Uniform Patrol Officer. In 2000, he was promoted to the rank of Sergeant and assigned as a Supervisor in the department's Special Operations Division. He was promoted to Lieutenant in 2005 and assigned to the Criminal Investigations Division and to the rank of Captain in June of 2009 and assigned to lead the Professional Standards and Training Division.

Major Traitor is the Commander of the Department's Tactical Team. He is also an instructor for the Basic Law Enforcement Training program, where he is a First Responder and Physical Fitness instructor and is EMT certified. He was awarded his Advanced Law Enforcement Certificate in 2001 and is a graduate of the FBI's National Academy.

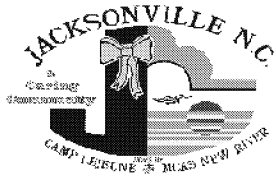
Patrick's girlfriend, Carmen Gregg, will be pinning his badge.

His daughter, Morgan, 13, will be pinning his rank insignia.

His daughter, Skylar, 6, will hold the Bible for the Oath

CITY OF JACKSONVILLE

NORTH CAROLINA



Department of Police

Michael Yaniero
Chief of Police

Office of
Chief of Police

Oath of Office
For Major
of the
Jacksonville Police Department

I, **Patrick Manning Traitor**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Major of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 9th day of February, 2011

Signed _____
Major
Jacksonville Police Department

ATTEST

Sammy Phillips
Mayor

NORTH CAROLINA
ONSLOW COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor of the City of Jacksonville personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires

Attachment

A



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AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



City Council Presentation

Presentation Item: E Date: 2/9/2011
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Subject: Report to Council – Board of Adjustment

Department: Development Services Department/Planning Division

Prepared by: Gary Ouellette, Staff Liaison

Presentation Description

Mr. Gary Herbold, Chairman of the Board of Adjustment will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Board of Adjustment.

Council Member Jerry Bittner is the Council Liaison to the Board of Adjustment.

Action

Recognize Chairman Gary Herbold to present the report.

Attachments:

None



Presentation Information

Presentation Item:	E
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Board of Adjustment Report to Council

Mission

The Board of Adjustment is a “quasi-judicial” administrative body whose purpose is to provide a source of appeal from any unnecessary hardships that might result from the strict enforcement of the City Zoning Ordinance. The responsibilities of the Board of Adjustment are authorized and set forth by North Carolina General Statute 160A, Article 19 Part 3 and the City of Jacksonville Zoning Ordinance, Section 124.

This Board interprets and applies the standards that have been placed in the Zoning Ordinance by the governing board. The Board hears and decides appeals from and reviews any order, decision, requirement, or determination made by the administrative official charged with the enforcement of that ordinance. They are empowered to grant or deny requests for variances from the requirements of the Zoning Ordinance. In addition, the Board hears and makes interpretations on questions involving interpretations of the location boundary lines on the official zoning map, or zoning ordinance text requirements.

Membership

The Board of Adjustment consists of five (5) regular members and two (2) alternates. Four (4) regular members and one (1) alternate, appointed by City Council, and must reside within the City. One (1) regular member and one (1) alternate, appointed by the County Board of Commissioners, and reside within the City’s extraterritorial jurisdiction (ETJ).

All seats are currently filled.

The Board of Adjustment meets on the fourth Wednesday of each month on an “as needed” basis. The Board was not tasked with hearing any cases this last calendar year; however, several administrative and training meetings were conducted.

On September 22, 2010, the City Manager participated in a training meeting in which the Board conducted a mock hearing on a variance request. The Board’s last meeting was January 26, 2011 in which a new Chairman was elected and new members of the board sworn in.



Request for City Council Action

Agenda Item:	1
Date:	2/9/2011

Subject: Public Hearing (*Legislative*) – Rezoning to Incorporate the Flight Path Overlay District – Zoning Text Amendment

Department: Planning & Development Services

Presented by: Abigail Barman, Planner

Presentation: Yes

Issue Statement

Marine Corps Base Camp Lejeune and Marine Corps Air Station New River have requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). A text amendment creating the Flight Path Overlay District was adopted by City Council and added to the Zoning Ordinance. To implement the District, a zoning overlay must be adopted for the properties within the designated Flight Path Overlay District.

The primary purpose of this district is to ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River (the base). The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Proposed Rezoning request.

Recommendation

Planning Board and Staff recommend that Council approve the rezoning as requested by the Applicant and direct staff to prepare an amendment to the FPOD text to allow for the replacement of existing structures which exceed the 100' height limit.

Approved: ☒ City Manager ☐ City Attorney

Attachments

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes – January 24, 2011
- D Zoning Ordinance Section 108, FPOD
- E Proposed Zoning Map



Staff Report

Agenda Item:	1
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Public Hearing (*Legislative*) – Rezoning to Incorporate the Flight Path Overlay District –
Zoning Text Amendment

Introduction

Marine Corps Base Camp Lejeune and Marine Corps Air Station New River have requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). A text amendment creating the Flight Path Overlay District was adopted by City Council and added to the Zoning Ordinance. To implement the District, a zoning overlay must be adopted for the properties within the designated Flight Path Overlay District.

The primary purpose of this district is to ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River (the Base). The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

Procedural History

- In 2002, Onslow County, area municipalities, and the Base completed the Joint Land Use Study (JLUS).
- In 2004, the Board of Commissioners selected a number of the Study's recommendations to implement.
- In 2005, JLUS and Onslow County Planning staff developed specific measures to implement selected recommendations.
- On September 18, 2006, Onslow County adopted the FPOD.
- On August 9, 2010 American Tower Corporation & Sue Tuton submitted a rezoning request and development proposal within the now proposed FPOD.
- In October 2010 the Base requested that the City of Jacksonville adopt the FPOD.
- On December 13, 2010 Planning Board recommended amending the text of the Jacksonville Zoning Ordinance to include the FPOD.
- On January 4, 2011 City Council conducted a public hearing and approved the request to amend the text of the Jacksonville Zoning Ordinance to include a FPOD.
- On January 24, 2011 Planning Board recommended adoption of the FPOD zoning district.
- On February 9, 2011 City Council will conduct a public hearing to consider adopting the FPOD zoning district.

Stakeholders

- The Base - Camp Lejeune and New River Air Station operate aircraft as part of their normal activities. Developments on the ground can affect the ease and safety of those operations.
- Citizens – Regulations to ensure the health, safety and welfare of the citizens of Jacksonville and surrounding area are necessary.
- Property owners within the proposed FPOD.

Zoning Assessment

The parcels proposed for rezoning are located at points of ingress and egress, and along flight paths for aircraft within the Base.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following criteria must be applied to the proposal in determining the reasonableness of the rezoning:

- *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The areas proposed for the zoning overlay includes numerous parcels of various sizes and various land uses. The FPOD will treat all parcels, regardless of size, equally. The underlying zoning of these parcels will not be changed however; the standards of the FPOD will create an additional layer of review.

- *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

Goal 23 of the Growth Management Element (2007) states "support a strong partnership between the community and military facilities to ensure that bases are able to meet present and future military requirements". The overlay district will help accomplish this goal.

- *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

The rezoning of the subject parcels is for the health, safety and welfare of all citizens, while the additional standards on the property owners are minimal. The FPOD helps to ensure safety for the aircraft operators and those located below flight

paths. Most properties within the FPOD are residential uses and will be relatively unaffected and all properties are treated equally.

- *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

The underlying zoning will remain unchanged; therefore the allowed uses will not change. The existing uses include varying intensities of residential and business. The parcels will be subject to Section 108, Flight Path Overlay District, of the Zoning Ordinance. This section prohibits a few uses and requires special use permits for some uses as well as restricting height of structures to 100 feet. However with the majority of the properties being zoned residential most of this uses are already restricted by the underlying zoning.

Nonconforming Assessment

There are two existing water towers and four communications towers that would be rendered nonconforming due to the height restrictions created in Section 108, if this rezoning is adopted. The following list outlines existing towers and their heights:

<u>Water Towers</u>	<u>Height*</u>
Downtown	130
Northwoods Park	135
 <u>Communication Towers</u>	
East Drive	115
Yopp Road	250
Marapese Lane	195
Old Maplehurst Road	232

*May not include either lighting rods and/or antennas on water towers that project higher than the dimension listed

The following list shows notable large scale developments (schools and shopping centers) that are located within the proposed overlay district. These developments are in addition to several existing churches, day care centers, and nursing/rest homes that are also within the proposed overlay zoning. These developments would not be rendered nonconforming; however, expansion of these existing developments or future, similar developments may require City Council to consider the proposed overlay zoning.

<u>Development</u>	<u>Location</u>
<i>Southwest Middle School</i>	<i>Furia Drive</i>
<i>Plum Point Shopping Center</i>	<i>Old Maplehurst Road and Hwy 17</i>
<i>West Park Shopping Center</i>	<i>Richlands Hwy and Burgaw Hwy</i>
<i>Hunters Creek Elementary School</i>	<i>Hunters Trail</i>
<i>Hunters Creek Middle School</i>	<i>Hunters Trail</i>

<i>Onslow County Courthouse, Jail,</i>	<i>Old Bridge Street</i>
<i>Administrative Buildings</i>	
<i>Northwoods Elementary</i>	<i>Henderson Drive</i>
<i>Northwoods Middle School</i>	<i>Decatur Road</i>
<i>Thompson Elementary</i>	<i>College Street</i>
<i>New Bridge Middle</i>	<i>New Bridge</i>
<i>Freedom Village Shopping</i>	<i>Yopp Road</i>
<i>Center</i>	

Options

Approve the Rezoning as requested by the Applicant.

- Pros: The rezoning request will implement the Flight Path Overlay District (Section 108) recommended by Planning Board and adopted by City Council on January 4, 2011. The FPOD will maintain and promote the health safety and welfare of the community by eliminating conflicts between overhead flight and land development.
- Cons: The rezoning request places additional restrictions on the development of land and would create nonconformities within the FPOD.

Approve the rezoning as requested by the Applicant and direct staff to prepare an amendment to the FPOD text to allow for the replacement of existing structures which exceed the 100' height limit. **(RECOMMENDED)**.

- Pros: The rezoning request will implement the Flight Path Overlay District (Section 108) recommended by Planning Board and adopted by City Council on January 4, 2011. Staff would then bring an amendment to the recently adopted text in order to address concerns raised by Planning Board or City Council. The FPOD will maintain and promote the health safety and welfare of the community by eliminating conflicts between overhead flight and land development.
- Cons: The rezoning request places additional restrictions on the development of land and would create nonconformities within the FPOD.

Deny the Rezoning Request.

- Pros: No further restrictions would be placed on the properties within the FPOD.
- Cons: Conflicts between land development and overhead flight paths will not be resolved. Potential health and safety issues for both air craft operators and citizens below flight paths could exist.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Council would like to receive.

- Pros: Would allow the property owner, staff and the residents to try and work out any concerns raised, if any.
- Cons: Would delay the implementation of the FPOD.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within the area of rezoning and those within 100 feet of the subject parcels have been notified of the proposed rezoning. In addition, signs have been posted and Public Hearing Notifications were posted in the Jacksonville Daily News advertising the public hearing of the rezoning.

WORKSHEET FOR REZONING REQUESTS

Applicant: Marine Corps Base Camp Lejeune and Marine Corps Air Station New River

Property Location: Multiple properties along routes of air operations

Existing Zoning Designation: Multiple districts

Proposed Zoning Designation: Incorporation in the FPOD

REASONABLENESS FINDINGS OF FACT:

A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

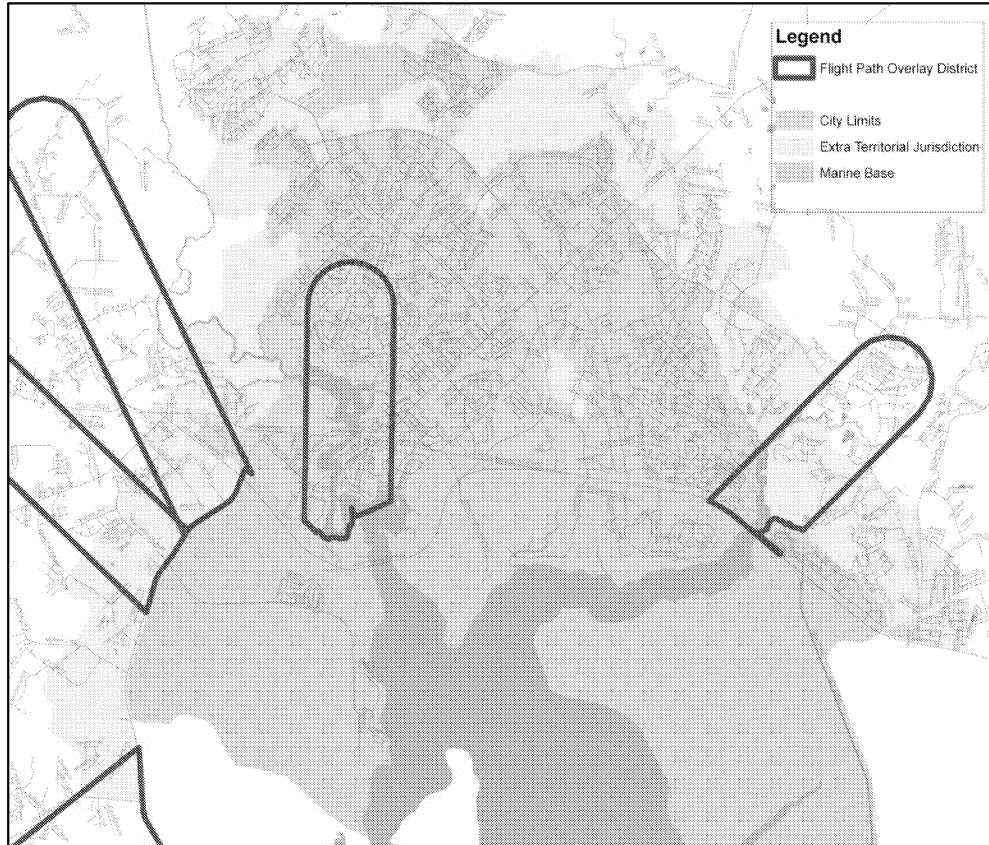
Attachment

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ORDINANCE (2011-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to create a Flight Path Overlay District (FPOD) which applies to all land located within the boundaries of the FPOD as shown on the below map:



This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 9th day of February 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B



Draft Planning Board Minutes – January 24, 2011

Agenda Item:	1
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Rezoning of Flight Path Overlay District

Marine Corps Base Camp Lejeune and Marine Corps Air Station New River have requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). A text amendment creating the Flight Path Overlay District was adopted by City Council and added to the Zoning Ordinance. To implement the District, a zoning overlay must be adopted for the properties within the designated Flight Path Overlay District.

The primary purpose of the district is to ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River (the Base). The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

Staff recommends approval of the rezoning request based on the findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Ms. Moore asked would any of the towers need to be removed. Abigail replied no they fall under our non-conforming section which states they would stay as they are unless there is a change. (Section 96 of the zoning code). Mr. Keyes asked what the heights of the towers are and do these towers exceed the height of the new ones to be put in? Abigail replied yes they range from 175 ft. to 120 ft.

Mr. Williams asked about a grocery store and if it moved and another one came in will they be able to have that grocery store? Abigail replied as far as commercial grocery store buildings the sq. ft. is 500,000. It would still be able to exist but it would have to go through the Special Use process.

Ms. Vandervere asked what would happen if some of these existing towers needed improvements. Abigail replied according to Section 96, it states regular maintenance is permitted but if it needs to come down then it would need to come into conformity with our current code.

Mr. Quinn states if a hurricane knocked a tower down we would not be able to replace it to its existing height. We would have to come back and conform to 100ft. Mr. Quinn stated he feels the we did ourselves a disservice rushing through this last month and council needed to slow it down.

Councilman Lazzara replied there was no problem with the text amendment as a text amendment was needed for encroachment issues. A discussion continued between Mr. Quinn and Councilman Lazzara about the text amendment and the concerns of where it's about to be applied to.

Attachment

C

The conversation continued and Councilman Lazzara stated the zoning text amendment was part of the **JLUS** study, and we all know across the country that encroachment has been an issue for many of the bases and causing the Federal Government to do some realigning.

As a community we realize how important our military neighbors and friends are. As a governing body we want to ensure that we are proactive and not reactive and ensure their ability to train safely and efficiently is looked at and that is what this involves. We know they have flight patterns and there are effects of that and we have to ensure as elected officials we protect those areas while finding a balance for our communities.

A. The Text Amendment is needed and approved unanimously. Now this process is are we ok with what is being presented? Are we ok of how the process will go? Anything above 25,000 sq. ft. will have to have a special use permit. It will still have to come through that process and Council has the right to approve or disapprove that use. Your example of a shopping center is a special use so it has to come to Council. It doesn't prohibit Council just because it's in an overlay district from approving or disapproving it.

Mr. King stated that adding this layer also adds a bit of protection for a future buyer that is looking to build a cell phone tower or something like that within these areas.

Mr. King referred to the status of the towers in the area. The tower in the Far East is 120 ft tower that was built in the last 10 years; so you are talking about 20 ft. over. That is when the old text limited the cell towers to 120ft. The two green dots in the middle (map on screen) those are two city water towers. It's at the Northwood's Park location and the Downtown location. The three towers to the West have all been here for ten plus years so those are not new towers.

Ms. Vandervere asked in addition to the cell towers; the water towers are they over the limit? Abigail replied yes. Ms. Vandervere asked do water towers need to be that height? What happens if they have to be replaced? Mr. Quinn replied in a catastrophic failure like a hurricane by this you can't replace it. Abigail replied both the 100ft. height limits and these lines came out of the joint use study.

Chairman Lesan asked Councilman Lazzara during any of these discussion were any military representatives there? Councilman Lazzara replied no. Mr. King replied Mr. Joe Ramirez is here and he may be able to answer any questions as to how they formulated the 100 ft. height when they proposed the text amendment.

Mr. Ramirez who is the Marine Corps Liaison for Government affairs. Mr. Ramirez explains the flight paths that have been in existence for years. What is displayed on the screen are the primary entry and exit points for Marine Corps Air Station New River. Prior to the joint land use study (**JLUS**) we weren't to concerned about towers or height limits because at that time cell towers were not becoming as prolific as they may be come now or later. As the towers grew, our aviators became concerned about the flight paths. As far as the height is concerned the aircraft do not come in at 100ft. They come in higher than that to minimize the noise to the residents, however if there is bad weather the pilots come in on instrument landings. That is when we want to drop the ceilings so they have a clear path in when they are flying instrumental. That is the summary explanation of why the bottom ceiling is at 100ft. It is to protect the pilot when they have to come in on bad weather and using instruments only.

Ms. Moore asked how often does this happen? Mr. Ramirez replied more often than we realize. Chairman Lesan asked does it mostly pertain to the pilots with the helicopters. Mr. Ramirez replied yes. Mr. Spring asked Mr. Ramirez referring to the map on the screen; the four fingers in yellow are formed by the path of runways that are currently on the air station. Mr. Ramirez replied yes if you match up New River's primary concrete runways they would match with the fingers you are speaking of. Mr. Spring replies so it will take a bit to change one of these or create a new finger and you would have to see a new runway and you would come back before us again for another area to be rezoned, is that correct Mr. Lazzara. Mr. Spring states if there were a new runway it would create a new possible overlay district and it would go through this process again and to try and get that district zoned according to the restrictions.

Mr. Ramirez replied the runways that currently exist have been there for a long time and there are no anticipated realignments, they are aligned with the typical winds. Chairman Lesan responds that the towers are going to control that, they bring them in from a different direction.

Mr. Quinn explained his concerns of the safety of the Military and the citizens. Councilman Lazzara replied that the Board may want a workshop to gain more knowledge and ask for additional information in which you need to make your decisions. If you haven't been provided the information you need to make your decisions it is your option to request that information. The approval that was already issued was the text amendment that we felt strongly about that is needed. We can't put our citizens in harms way and we can't inhibit the ability for our military partners and neighbors to train. That language has to be there now and we have to understand what that means and how that affects these areas. You have those options before you as you make that decision and that is strictly your option as a board. Councilman Lazzara asked Mr. Ramirez could he answer in relation to the base putting up towers in access of 100ft. Mr. Ramirez replied yes, within the interior of the base, we do set up cell towers because we have a need for communications aboard the base. Within the base we go through the same process of identifying the flight paths of the rotary aircraft. Where those flight paths exist we do not allow the construction of towers.

Mr. King remarked on what has been said; you may want to consider deferral and let us know what kind of information you want to get back from us or representatives from Camp Lejeune. As a result of the questions the council has brought up there are six items that are within these Flight Path Overlay areas that will have to be dealt with and that may result in a raised ceiling. If they are going to have to deal with two flight hazards, we adjust that within that area to 120 ft. or 140 ft. Those are the discussion we can have with representatives from the base.

Chairman Lesan responded saying we can go back and modify the text amendment even though it has been approved by the City Council. Mr. King replies yes that was a text amendment we processed in accordance of the request made like we would do in any other text amendment. Now if looking at the information we have before us if that creates some concerns we can go back and revise the text if that needs to happen.

Mr. Goodson replied amending our text will have some effect on the county text. If you look at the map, the gray areas are in the counties planning jurisdictions. This Flight Path Overlay District has been approved in the county with the same language we have with

100 ft. requirement. So if we change ours to 140 ft., they will have to go back and change theirs. All of this came from a 2002 joint land use study that was done with the county and area municipalities. The county adopted it in 2006, the city did not. What brought this back up was a telecommunication tower in the Piney Green area with a height of 178 ft. That got the attention of the base and they saw a problem with that. I believe the base thought all of this Flight Path Overlay District was approved. I'm not sure if they completely understand that there is county planning jurisdiction and then the city's planning jurisdiction. We can make changes if we have facts, do some studying and find out we need to change. It will also going to take a change in the Counties ordinance.

Ms. Joos asked what happens if we don't approve it. Mr. Goodson replied it makes the counties ordinance ineffective if the city does not approve it. Mr. King replied it also impacts the aviators.

Ms. Vandervere stated the towers have been functioning for a while and if a hurricane takes them down and they could not be rebuilt. Is there a way they can be grandfathered in. Mr. King replied if we don't adopt this overlay zone.

Chuck Quinn moved to approve the Rezoning of Flight Path Overlay District findings of fact A through D to be in the affirmative . Pauline Joos seconded the motion.

Mr. Williams asked if council decides a shopping center could be built can the Marine Corps override you. Councilman Lazzara replied he will ask staff to clarify that. If you read the text amendment, these are special use approvals if any of these fall into these categories, it will all come before council.

Chairman Lesan replied it seems like all this is coming down to cell use towers. If we are locked into 100 ft. limit that is it. Everything else is within special use permits is changeable. These flight paths are not going to change and we need to have something in place out of respect of our citizens and respect for the military. The towers have become an issue.

Ms. Wyrick asked since there is a limit on the height of the tower is there a limit to how many towers we can have. Mr. Quinn replied that is what would occur if we capped down the 100 ft. height. Ms. Wyrick asked is there something that says this? Mr. King replied I will read you the language of separation from other towers. It says new telecommunications towers shall not be located within 1,500 ft. of an existing telecommunications tower. This standard shall not apply to replacement towers or to a telecommunications tower placed out of view in a building or other structure. If my memory serves me correctly it used to be 3,000 ft. and we reduced that. Mr. King asked Mr. Quinn if you went to a higher height along the peripheral of the overlay, would that accomplish anything? Mr. Quinn replied in some cases it might.

Mr. Woodruff, City Manager replied that one of the things we need to make sure is the regulations we adopt can be counted upon. When the staff brought the item to you and the City Council in the first round we assumed that 100 ft. was working. One of the problems we have now that the staff has done the research, if we adopt any standard that does not meet reality; that could jeopardize the lives of the people we are trying to protect. If we have structures that over 100 ft. and we adopt anything with all good intentions and you have pilots flying in

and someone is aware there is 100 height ft. limit. What I am suggesting is that you allow us to work with the base and whatever regulations we adopt reflects certain realities. The reality is the water tanks are there and the reality is even in a category three hurricane the water tanks will stand. The water tanks will be there another 30-50 years. If those are the realities I would hate to see us adopt a standard that a pilot, even though he has many other safeguards through air traffic controllers. I would hate to see us adopt a standard we know in fact we have penetrations above those standards.

Between now and the time this goes before Council the staff will take the necessary time to work with the base to identify what options we have, how can we recognize the realities of the current penetrations.

The other thing is the water towers need to serve as multiple functions, we need to be able to put communication antennas there. It eliminates to the need to have multiple towers throughout the community. If you want to proceed with the motion, the staff pledges to you if you move forward with the item before it comes to City Council we will do the items i just mentioned.

Ms. Moore asked can we table this item and have staff investigate it further and then bring it back for our vote. Chairman Lesan stated there is a motion and it has to be voted on if the motion is denied then we can entertain another motion.

Mr. Goodson replies we are talking about the actual text if you are talking about changing the 100 ft. requirement. That would take getting with the base and finding out if they can live with something over 100 ft. and if we come to that agreement we would have to open up the text change. This would require another advertising and if we change ours then the county would have to change theirs. This would require two text changes amendments if we are going to change the 100 ft. requirement.

Mr. Woodruff replies we are not talking about the code tonight we are talking about the application of the code. If you want to go ahead and approve the application of the code which puts the land under that regulation you could do it. Then we could come back and amend the text so the standards in that text would be modified as we discussed. Then you would not have to go through the additional step. You can go ahead with the rezoning of the property and then the staff will work with the base relative to future text changes.

Mr. Quinn asked what would work best for staff if we did go ahead and approve. Would we put them on a clock? Mr. Woodruff replied since this is an application, you are not putting us in any bind unless you do not approve it. You would be better to approve this tonight and have the City Council approve it. Then the staff can work with the base on the height issue.

Mr. King mentioned the notices have already been mailed out for the public hearing that will be held Wednesday, February 9, 2011 at 7:00 p.m. We can move forward with the rezoning and then follow it up with a text amendment.

The motion to approve the Rezoning of Flight Path Overlay District findings of fact A through D to be in the affirmative was approved by the Board Members present. The motion was voted for by Pauline Joos, Alfred Keyes, Chuck Quinn, Homer Spring, Theresa VanderVere, and Danny Williams and against by Thomasine Moore.

Section 108. Flight Path Overlay District

A. Purpose.

The main purpose of this overlay district is to ensure the compatibility between air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River and land uses on properties below military base flight paths. The intent is to eliminate potential interference with safe aircraft operations, potential threats from falling aircraft, and potential impacts of aircraft noise.

B. Establishment.

The Flight Path Overlay District, as depicted on the official zoning map, is hereby established as a district that overlays land within and immediately adjacent to designated flight paths towards fixed-wing landing areas and around helicopter landing areas within Marine Corps Base Camp Lejeune and Marine Corps Air Station New River.

C. Application.

1. All structures located in this overlay district shall meet the criteria outlined in this section, in addition to all other regulations.

D. Special Uses.

To the extent that any of the following uses are permitted by the underlying zoning district, they shall be permitted in the Flight Path Overlay District only with a Special Use Permit approved under Section 118 and subject to the additional standards of this subparagraph:

1. Sanitary landfills or other similar uses.

This use, which potentially involves significant attraction of birds, shall be allowed only if its size, location, design, and operations are such that the potential impact of interference with overhead aircraft due to the flocks of birds attracted to the landfill is not substantial.

2. Colleges, schools, day care center and nurseries with more than 30 children, hospitals, jails and penal institutions, nursing homes, rest homes, libraries, museums, churches, assembly halls and coliseums seating more than 150 people, spectator-oriented sports complexes or stadiums, fairgrounds, race tracks, theaters, auditoriums, hotels and motels with 3 or more stories, department and variety stores or retail establishments with more than 500,000 square feet of floor area, or other similar uses.

These uses, which potentially involve high concentrations of people and/or activities particularly vulnerable to sensitive to noise, shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to falling aircraft and/or the potential adverse impacts on normal activities from noise created by overhead aircraft are not substantial.

3. Mining and quarrying, fertilizer manufacturing and storage, concrete products production, asphalt products manufacturing, cement, lime, gypsum or plaster of paris manufacture, fish fertilizer manufacture, or other similar uses.

Attachment

D

These uses, which potentially involve significant airborne emissions of dust, shall be allowed only if their size, location, design, and operations are such that the potential impairment of pilot visibility for overhead aircraft due to the emission of dust is not substantial.

4. Chemical manufacturing, plastic products manufacturing, pharmaceuticals manufacturing, refineries, above ground bulk storage of oil and gasoline, petroleum bulk plants, rubber plant, tire recapping acid manufacture, gas manufacture, or other similar uses.

These uses, which potentially involve use and/or storage of significant amounts of materials that are highly explosive, flammable, toxic, corrosive, or otherwise hazardous, shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to the impacts of falling aircraft is not substantial.

E. Prohibited Uses, Development, Activities.

Any use, development, or activity is prohibited if it:

1. Produces smoke, dust, or other airborne substances in such amounts as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft;

2. Produces light emissions - either direct or indirect (reflective) - of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft; or

3. Produces electronic emissions that interfere with navigation signals or radio communications between aircraft and landing control facilities or with the aircraft's navigational or communication equipment.

F. Height Limits.

Irrespective of building height limits in the underlying zoning districts, no structure within the Flight Path Overlay District shall have a height of more than one hundred (100) feet.

G. Non-Conforming Structures.

All nonconformities as defined by Section 10 shall comply with all the requirements of this section in the manner described in Section 96. Failure to comply shall render the business illegal and subject to zoning enforcement action.

H. Severability.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this section are severable, and if any such section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this section since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Flight Path Overlay Ditrit

City of Jacksonville - 10/25/10

- Major Roads
- Centerlines
- Water
- Flight Path Overlay District
- Parcels
- gisdata.GISADMIN.InOut
- DESCRPT
- City Limits
- Extra Territorial Jurisdiction
- Marine Base
- County

45

Attachment

E



0 0.5 1 Mile



Request for City Council Action

Agenda Item:	2
Date:	2/9/2011

Subject: Public Hearing (*Legislative*) – Amendments to Section 103 Landscaping – Zoning Text Amendment

Department: Development Services

Presented by: Ryan King, Planning Administrator

Presentation: Yes

Issue Statement

At the direction of City Council, Staff has drafted a zoning text amendment to create standards that would allow stormwater ponds to be configured as a site amenity and additional standards when they are designed as a utility. In conjunction with these changes, staff is also recommending changes to Section 103 Landscaping that will simplify how the landscaping requirements are calculated.

Staff utilized standards from the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and previous discussions with local land planners in drafting the proposed text.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Zoning Text Amendment

Recommendation

The Planning Board and City staff recommend Council move to approve the Zoning Text Amendment found in Attachment A.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B City Council Workshop Minutes – November 30, 2010
- C Draft Planning Board Minutes – January 24, 2011
- D Existing Section 103 Landscaping



Staff Assessment

Agenda Item:	2
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Public Hearing (*Legislative*) – Amendments to Section 103 Landscaping – Zoning Text Amendment

Introduction

At the direction of City Council, Staff has drafted a zoning text amendment to create standards that allow stormwater ponds as an amenity and additional standards when designed as a utility. In conjunction with these changes, staff is also recommending changes to Section 103 Landscaping. These additional changes will simplify the overall landscaping requirements by eliminating the complicated/confusing mathematics currently associated with our landscaping requirements.

Staff utilized standards from the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and previous discussions with local land planners in drafting the proposed text.

Procedural History

- On November 30, 2010 City Council was presented with some potential changes to stormwater pond requirements. At the conclusion of their workshop, City Council requested that changes be codified and presented for consideration.
- January 24, 2011 the Planning Board recommended approval of the proposed Zoning Text Amendment found in Attachment A.
- February 9, 2011, City Council will conduct a public hearing and consider this request.

Stakeholders

- City Council – Contend that the current regulations should be amended to include provisions that would allow a stormwater pond to be constructed as an amenity with certain provisions. In addition, for the ponds not configured as an amenity a new setback has been incorporated into the proposed ordinance.
- Design professionals – Surveyors, Land Planners, Architects and Landscape Architects use this section of the Zoning Ordinance when drafting development plans. Proposed ordinance should create an easier method in determining the landscaping requirements.
- Developers – Zoning Text Amendment will allow ponds to be configured as an amenity and eliminate the current fencing requirements. In addition, the proposed

ordinance will still allow a pond as a utility but with a new setback requirement. Proposed text will likely result in an increased amount of landscaping.

Public Hearing Notification Assessment

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes will be followed.

Options:

1) Recommend approval of the zoning text amendment found in Attachment A. (Staff Recommended)

- Pros: It was the consensus of City Council for staff to draft a Zoning Text Amendment that provided an option for stormwater ponds to be created as an amenity. Staff has simplified the overall landscaping calculation requirements by eliminating the complicated/confusing mathematics currently associated with the landscaping requirements.
- Cons: Clarion Associates are currently drafting the proposed UDO. Will likely increase the amount of landscaping required for most sites.

2) Defer action on the zoning text amendment.

- Pros: Would allow staff time to acquire additional background information as requested by City Council.
- Cons: None

3) Deny the zoning text amendment

- Pros: Currently in the process of creating a Unified Development Ordinance.
- Cons: It was the consensus of City Council to draft a Zoning Text Amendment to include None

ORDINANCE (# 2011-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Section 103. Landscaping will be completely replaced with the following:

Section 103. Landscaping Requirements

Part A. Purpose and Intent.

The purpose of this section is to regulate and provide guidelines for landscaping of certain types of development in the City of Jacksonville. The Jacksonville City Council finds that the lack of adequate landscaping results in:

1. Increased storm water run-off from parking lots with little or no plant cover;
2. Deteriorating community appearance and property values;
3. Discouraging pedestrian traffic due to emphasis on vehicle accommodation areas with unsafe pedestrian access to the buildings on the lot;
4. Increases air pollution, particularly carbon dioxide;
5. A lack of street definition which in turn exposes citizens to long uninterrupted views of signs, utilities, lights, and parking;

The Jacksonville City Council also finds that:

1. Plantings are proven producers of oxygen, a necessary element for human survival;
2. Plantings transpire considerable amounts of water each day and thereby purify the air;
3. Plantings have an important role in filtering water passing through the ground from the surface to ground water tables and lower aquifers;
4. Plantings, through their root systems, stabilize the ground water tables, and play an important and effective part in soil conservation, erosion control, and flood control;
5. Plantings are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of urban developments on the land, particularly parking areas; and
6. For the reasons stated above, landscaping has an important impact on the desirability of land and therefore has a significant impact on property values.

Attachment

A

Part B. Landscaping Required.

Based upon the findings set forth in Part A above Council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living and working within the city's planning jurisdiction to provide for adequate landscaping as specified by this section for certain types of development projects.

Part C. Applicability.

1. **Exemptions:** Landscaping requirements shall not apply to:
 - a. Single-family and multi-family residences (not more than four dwelling units per lot) on their own lots;
 - b. Lots in the Central Business Zone (CBD) Zone that do not provide off-street parking; and
 - c. Automobile sales – the vehicle display areas are exempt from having to install the required trees within these identified areas. Instead the required trees shall be planted elsewhere on site and are encouraged to be planted as street trees in the street lawn and/or the perimeter lawn.
 - d. Temporary uses (Fairgrounds or farmers markets which cater to various temporary uses throughout the calendar year are not exempt).
 - e. Landscaping requirements of this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the Development Services Director if the Development Services Director finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - i. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - ii. Innovative landscaping or architectural design is employed on the building site which would achieve an equivalent shading, aesthetic, and buffering effects.
 - iii. The required landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
 - iv. No landscaping shall be required in areas where the Development Services Director finds that it would interfere with safety.
 - f. Waivers by the City Manager after justification is provided to City Council and concurrence is unanimous.

2. **Application:** Landscaping requirements shall apply to any new principal building(s) or open uses of land constructed, reconstructed, or established after the effective date of this section. The amount of landscaping required for expansions of existing buildings/remodeling are outlined in Section 96. Nonconformities.

Part D. Landscaping Requirements.

Landscaping areas shall be provided so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. All sites shall be landscaped such that the following requirements are met:

1. **Street yard lawn required.** All parking shall be separated from a public or private right-of-way by a street lawn with a minimum width of ten (10) feet. This lawn shall be parallel to the street right-of-way on the applicant's property. This area shall not be used for parking, sidewalks, or trails, but shall be maintained as a planting strip for grass, trees, and/or shrubs. The lawn shall contain at least four (4) large tree, twelve (12) large shrubs and eight (8) small shrubs for each one hundred (100) linear feet of street frontage.
2. **Perimeter lawn required.** All sites shall be separated from adjacent properties by a perimeter lawn with a minimum width of ten (10) feet. The lawn shall contain at least two (2) large tree for every one hundred (100) linear feet of the developments lot lines. This perimeter lawn is not required when the side or rear boundary serves as either a shared driveway or as a shared parking bay. Refuse collection areas are permitted to encroach into this perimeter lawn.
3. **Interior Landscaped Islands.** All sites shall provide one (1) interior planter island for every ten (10) parking spaces. In addition, no parking space shall be separated from the trunk of a tree by more than 50 feet. Interior islands shall be at least two hundred (200) square feet in area and shall contain one (1) large tree, four (4) large shrubs and six (6) small shrubs. Generally, islands should maintain a minimum width of eight (8) feet; however, certain island configurations may contain a small portion that is less than eight (8) feet.
4. **Storage areas, truck terminals, warehousing operations or other similar uses.** The planting requirements for specialized vehicular use areas which are closed to the public such as storage areas, truck terminals, motor freight terminals and other transportation and warehousing operations are exempt from interior landscape island requirements. However, trees and shrubs shall be planted anywhere on the property at a rate of one (1) large tree, four (4) large shrubs and six (6) small shrubs for every 3,780 square

feet of vehicular use area. These requirements do not replace perimeter or screening/bufferyard requirements; they are in addition to such requirements.

5. **Foundation Landscaping Required.** Six (6) foot wide foundation planting areas are required on the front and sides of all buildings. In those instances where not practicable, an alternative area can be provided with the approval of the Development Services Director. Foundation planting areas shall be mulched or planted with ground cover and must contain substantial plantings.
6. **General standards for landscaping.**
 - a. Barriers, such as curbing, wheel stops, or other alternative, durable and contextually appropriate material as approved by the Development Services Director shall be provided between vehicular accommodation areas and landscaped areas so as to protect all plantings. This standard shall not prohibit use of planting areas as on-site stormwater management devices.
 - b. Each shrub at the time of planting shall be 3 gallon size or larger.
 - c. Each large tree at the time of planting shall be a minimum of two (2) inches in caliber and ten (10) feet in height. When mature, a large deciduous tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet. Every large deciduous tree that is required by this section may be substituted by two (2) understory trees. However, no more than fifty (50) percent of the required large deciduous trees may be substituted.
 - d. When large and small shrubs are planted by the developer to satisfy the requirements of this subsection, the developer shall follow guidelines set forth in Appendix C.
7. **Location.** Required landscaping, including the ten (10) foot lawn space shall be located outside existing and proposed street rights-of-way as identified by the City of Jacksonville Thoroughfare Plan as amended. The proposed landscaping plan shall comply with any planning documents adopted by City Council. No trees or shrubs greater than twelve inches (12") shall be planted in sight triangle(s) of driveways and streets without approval from the reviewing authority. On State maintained roads, both NCDOT and City standards shall apply.

Part E. Standards for Retention/Detention Ponds/Stormwater Wetlands

1. **Purpose.** These provisions are intended to encourage stormwater retention or detention ponds to be located and configured as an open space amenity or as a constructed stormwater wetland within a development site, as opposed

to configuration as a utility facility. The standards do not prohibit configuration of the pond as a utility feature (instead of an amenity or wetlands), but when configured as a utility, a stormwater retention or detention pond should be strategically located and screened from off-site views. The landscaping required by this Part shall not be counted towards the total landscaping required by Part E of this section.

2. **Configured as a Site Amenity.** Stormwater retention or detention ponds configured as a site amenity (instead of a utility feature) shall comply with the following requirements:
 - a. In general stormwater retention or detention ponds are considered as a site amenity when they are not surrounded by a fence, maintain gentle slopes of 3:1 or less above the 10:1 vegetated shelf and also contain at least three (3) of the following design features:
 - i. Integrated with the design and location of the other site features (instead of being located in a peripheral location);
 - ii. Include comparable shrubs and other vegetative material as are used in other areas of the site;
 - iii. Provide pedestrian access to and around the facility;
 - iv. The visibility of rip-rap or stone weirs have been minimized to the greatest extent practicable;
 - v. Incorporate some form of fountain or other visible water circulation device, in accordance with state guidelines;
 - vi. Incorporate some form of lighting in and around the facility;
 - vii. Incorporate seating or other use areas;
 - viii. Have a natural appearance (round, oval, kidney in shape with irregular edge); and/or
 - ix. Any innovative design deemed appropriate by the Development Services Director.
 - b. Stormwater wetlands are also considered as a site amenity when they are not surrounded by a fence, maintain gentle slopes of 3:1 or less above the permanent pool elevation. The design shall be prepared in accordance with the City of Jacksonville's Stormwater Ordinance.
 - c. Trash racks and other debris control structures should be sized to prevent entry by children.

d. Landscaping

- i. **Shrubs Required:** Shrubs shall be provided around the perimeter of the pond at a rate of 20 shrubs per 100 linear feet. These shrubs shall be planted above the sloped embankment surrounding the pond. The particular variety of shrub(s) to be used to satisfy this requirement should come from Table F.1 or should otherwise be approved by the City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by the City.
- ii. **Understory Trees Required:** Trees shall be provided around the perimeter of the pond at a rate of one (1) per twenty five (25) linear feet. These trees shall be planted above the sloped embankment surrounding the pond. The particular variety of understory tree(s) to be used to satisfy this requirement should come from Table F.2 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by The City.

3. **Configured as a Utility.** Stormwater retention or detention ponds configured as a utility feature (instead of a site amenity) shall comply with the following requirements:

- a. Location of stormwater retention or detention ponds shall be behind the front wall of the principal building and at least 100 feet away from all public or private street rights-of-ways.

b. Fencing

- i. When configured as a utility, the pond shall be surrounded by a green or black vinyl-coated steel or aluminum chain-link fence or other alternative that is a durable and contextually appropriate material as approved by the Development Services Director with a minimum height of four feet. All fences should provide securable entrances to allow access for maintenance personnel and equipment, and to provide for the safety of citizens.
- ii. Fences around stormwater ponds shall not be required when the site containing the pond is entirely surrounded by a fence of six feet in height or higher.

c. Landscaping

- i. **Shrubs Required.** Except for fence entrances, shrubs shall be provided around the outside perimeter of the required fence five (5) foot on

center. Guard rails shall also be screened by the shrubs. The particular variety of shrub(s) to be used to satisfy this requirement should come from Table E.1 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by the City.

- ii. Understory Trees Required. Understory trees shall be placed outside the required fencing at a rate of one (1) per twenty five (25) linear feet of fencing provided around the pond. Guard rails shall also be screened by the trees. The particular variety of understory tree(s) to be used to satisfy this requirement should come from Table E.2 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by The City.

Table E.1
Shrubs Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Glossy Abelia	<i>Abelia grandiflora</i>	3'-6'	3'-6'
Elaeagnus	<i>Elaeagnus puhgehs</i>	5'-8'	8'-10'
Fatsia	<i>Fatsia japonica</i>	5'-7'	4'-6'
Chinese Holly	<i>Ilex cornuta cultivars</i>	Varies	Varies
Mugo Pine	<i>Pinus mugo</i>	5'-7'	8'-10'
Yaupon Holly	<i>Ilex vomitoria</i>	Varies	Varies
Winged Euonymus	<i>Euonymus alata compacta</i>	5'-7'	8'-12'
Pittosporum	<i>Pittosporum tobira</i>	6'-8'	12'-20'
Juniper	<i>Juniperus cultivars</i>	Varies	Varies
Holly Grape	<i>Mahonia aquifolium</i>	3'-6'	6'-8'
Viburnum	<i>Viburnum tinus</i>	4'-6'	2'-3'
Japanese Barberry	<i>Berberis thurthun</i>	5'-8'	4'-6'
Flowering Quince	<i>Chaenomeles speciosa</i>	4'-8'	4'-6'
Privet	<i>Ligustrum vulgare</i>	6'-8'	Varies
Indian Hawthorn	<i>Raphiolepis indica</i>	5'-7'	4'-6'
Japanese Yew	<i>Taxus species</i>	Varies	Varies
Burfordi Holly	<i>Ilex crenata</i>	Varies	Varies'

Table E.2
Understory Trees Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Amur Maple	<i>Acer ginnala</i>	15'-20'	15'-20'
Japanese Maple	<i>Acer palmatum</i>	15'-25'	15'-25'
Redbud	<i>Cercis canadensis</i>	20'-30'	25'-35'
Flowering	<i>Cornus florida</i>	20'-30'	20'-30'
Kousa Dogwood	<i>Cornus kousa</i>	20'-30'	20'-30'
Washington	<i>Crataegus phaenopyrum</i>	25'-30'	20'-25'
Carolina Silverbell	<i>Halesia carolina</i>	30'-40'	20'-35'
American Holly	<i>Ilex opaca</i>	20'-40'	18'-40'
Holly (large types)	<i>Ilex x cultivar</i>	15'-25'	15'-25'
Golden Raintree	<i>Koelreuteria bipinnata</i>	25'-40'	30'-40'
Crape Myrtle	<i>Lagerstroemia indica</i> (x	18'+	varies
Saucer Magnolia	<i>Magnolia x soulangeana</i>	20'-30'	15'-25'
Sweetbay	<i>Magnolia virginiana</i>	20'-30'	25'-35'
Flowering	<i>Malus hybrid</i>	varies w/	varies w/
Chinese Pistache	<i>Pistachia chinensis</i>	30'-35'	25'-35'
Flowering Cherry	<i>Prunus species</i>	varies w/	varies w/
Japanese	<i>Styrax japonica</i>	20'-30'	20'-30'
'Emerald'	<i>Thuja occidentallis 'Emerald'</i>	15'-25'	5'-10'
American	<i>Corpinus caroliniana</i>	25'-35'	20'-25'

Part F. Landscaping Plan Required.

All proposed developments and expansions shall submit a landscaping plan for review containing the following information:

1. General location, type, and quantity of plant materials
2. Existing plant materials and areas to be left in the natural state
3. Locations, size and labels for all proposed plants.
4. Plant lists with common name, quantity, and spacing and size of all proposed landscaping material at the time of planting
5. Location and description of other landscape improvements, such as islands, earth berms, walls, fences, buffer yards, sculptures, fountains, street furniture, lights, courtyards, or paved areas
6. Planting and installation details
7. Location of proposed buildings
8. Location of vehicular accommodation areas and internal traffic patterns
9. Location of overhead and underground utilities
10. Location of signage
11. Connection of existing streets
12. Zoning and land use of the subject and adjacent properties
13. The landscaping plan shall be drawn to scale and include a North arrow and necessary legends.
14. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

Part G. Other Landscape Standards

1. **Time for Installation of Required Landscaping**
 - a. All required landscaping (including mulching and seeding) shall be installed in accordance with the required planting standards set forth in this section prior to issuance of a Certificate of Occupancy unless the Director of Planning and Development Services grants an extension to this time limit in accordance with B. Extensions below.
 - b. Extensions
 - i. The Development Services Director may, for good cause shown, grant extensions to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:
 1. Unusual environmental conditions, such as drought, ice, hurricanes, or over-saturated soil (deep mud);
 2. It is not yet the appropriate planting season for the approved plant species;
 3. Credible evidence that the approved plant species or required

- plant sizes are not commercially available and cannot be substituted within a reasonable time despite an applicant's diligent effort to secure the required materials; or
4. Completion of utility work occurring in a proposed landscaped area is incomplete or delayed.
- ii. No extension to the time limit shall be granted unless a performance guarantee/warranty is posted in accordance with the following:
 1. Documentation of the estimated cost of the remaining landscaping to be completed.
 2. Cash/warranty that equals 1 ½ times the cost of the plant material yet to be installed, based on the highest estimate received.
 3. Signed/executed agreement form.
 - iii. Upon receipt of a performance guarantee/warranty and signed/executed agreement form, the city may issue a temporary certificate of occupancy for a maximum period of up to 180 days.

2. Maintenance of Landscaping Materials

The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed.

a. Damage Due to Natural Occurrence

In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. The Development Services Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

b. Protection during Operations

The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does

not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

c. Maintain Shape

All required trees (whether canopy, understory, or otherwise) shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including but not limited to Crape Myrtles) that have been severely pruned, sheared, topped, or shaped as shrubs no longer serve the intended buffering or screening function and shall be considered as damaged vegetation in need of replacement in accordance with Damage Due to Natural Occurrence above, and shall be replaced within one growing season.

d. Natural Death

The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Development Services Director, the required performance standard of the landscaping is not being met.

3. Monitoring of Compliance with Landscaping Standards

a. Inspections Prior to Certificate of Occupancy

The Development Services Director shall inspect the site prior to the issuance of a certificate of occupancy for the development and such certificate shall not be issued if the landscaping required under this section is not living or healthy or is not installed in accordance with the approved landscape plan or alternative landscape plan or the provisions in extensions above.

b. Inspections after First Year

The Development Services Director shall inspect the site during the growing seasons following the installation to ensure compliance with the approved landscape plan or alternative landscape plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this section shall constitute a violation of this Ordinance.

Section 104. Reserved

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 9th day of February, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk



City Council Workshop Minutes – November 30, 2010

Agenda Item:	2
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Public Hearing (*Legislative*) – Amendments to Section 103 Landscaping – Zoning Text Amendment

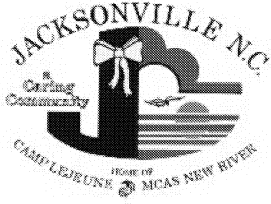
Mr. Woodruff stated that Council had asked staff to prepare options to the City's current fencing regulation for stormwater ponds. State standards enforced by NC Department of Environment and Natural Resources (NCDENR) had to be followed, but those standards did not include the additional City standard of fencing.

Using the PowerPoint presentation attached as Exhibit A, Mr. Woodruff discussed the two different options being recommended - Aesthetic Design (non-fenced) and Utility Design (fenced).

Following a brief discussion, it was the consensus of Council to approve the recommended fencing options.

Attachment

B



Draft Planning Board Minutes – January 24, 2011

Agenda Item:	2
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Public Hearing (*Legislative*) – Amendments to Section 103 Landscaping – Zoning Text Amendment

At the consensus of City Council, Staff has drafted a zoning text amendment to create standards that would allow stormwater ponds to be configured as a site amenity and additional standards when they are designed as a utility. In Conjunction with these changes, staff is also recommending wholesale changes to Section 103 Landscaping that will simplify how the landscaping requirements are calculated.

Staff has utilized the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and discussions with local planners in drafting the proposed text.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Quinn chuck asked what the odds of that plant surviving; with 2" caliper, does it have good odds to mature. Mr. King replied the landscaping company we had a conversation with did not seem concerned. Two inch caliber is what we have been using for over ten years and I have not heard of any concerns.

Ms. Wyrick asked about the Bradford Pear Trees; when the trees grew up a lot of the business owners were not pleased with the trees because it blocked their businesses. People were having trouble seeing their signs. Mr. King replied that is the struggle between beautification and signage/branding. The ordinance is very specific; it states they are not allowed to cut the trees down in order to gain visibility for signage.

Ms. VanderVere asked will this pertain to any of the older businesses, will they have to come up to these standards? Mr. King replied that unless a site plan is required, landscape applicability would not be triggered. It will take something like a decent sized expansion to trigger that type of application.

Chuck Quinn moved to approve the Zoning Text Amendment as presented. Thomasine Moore seconded the motion.

The motion to approve the Zoning Text Amendment as presented was unanimously approved by the Board Members present.

Attachment

C

Section 103. Landscaping Requirements

(Adopted 12/8/98)

Part A. Purpose and Intent.

The purpose of this section is to regulate and provide guidelines for landscaping of certain types of development in the City of Jacksonville. The Jacksonville City Council finds that the lack of adequate landscaping results in:

1. Increased storm water run-off from parking lots with little or no plant cover;
2. Deteriorating community appearance and property values;
3. Discouraging pedestrian traffic due to emphasis on vehicle accommodation areas with unsafe pedestrian access to the buildings on the lot;
4. Increases air pollution, particularly carbon dioxide;
5. A lack of street definition which in turn exposes citizens to long uninterrupted views of signs, utilities, lights, and parking;

The Jacksonville City Council also finds that:

1. Plantings are proven producers of oxygen, a necessary element for human survival;
2. Plantings transpire considerable amounts of water each day and thereby purify the air;
3. Plantings have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;
4. Plantings, through their root systems, stabilize the ground water tables, and play an important and effective part in soil conservation, erosion control, and flood control;
5. Plantings are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of urban developments on the land, particularly parking areas; and
6. For the reasons stated above, landscaping has an important impact on the desirability of land and therefore has a significant impact on property values.

Attachment

D

Section 103. Landscaping Requirements

Part B. Vehicle Accommodation Area (VAA) Landscaping Required.

Based upon the findings set forth in Part A above Council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living and working within the city's planning jurisdiction to provide for adequate landscaping as specified by this section for certain types of development projects.

Part C. Applicability.

1. **Exemptions:** Landscaping requirements shall not apply to:
 - a. Single-family and multi-family residences (not more than four dwelling units per lot) on their own lots;
 - b. Lots in the Downtown Business (DB) Zone that do not provide off-street parking; and
 - c. Automobile sales lot areas are exempt from the requirements for trees only.
 - d. Temporary uses (Fairgrounds or farmers markets which cater to various temporary uses throughout the calendar year are not exempt)
 - e. Landscaping requirements of this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the Administrator if the Administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - i. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - ii. Innovative landscaping or architectural design is employed on the building site which would achieve an equivalent shading, aesthetic, and buffering effects.
 - iii. The required landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
 - iv. No landscaping shall be required in areas where the Technical Review Committee finds that it would interfere with traffic safety.

Section 103. Landscaping Requirements

2. **Application:** Landscaping requirements shall apply to any new principal building(s) or open uses of land constructed, reconstructed, or established after the effective date of this section. The amount of landscaping required for expansions of existing buildings/remodeling are outlined in Section 96. Nonconformities.

Part D. Impervious Surface Intensity (ISI).

Vehicular accommodation areas and impervious surface areas shall be categorized according to their impervious surface ratios as specified in Table D.1:

Table D.1
Impervious Surface Intensity Classification

Impervious Surface Ratio (ISR)	Impervious Surface Intensity (ISI)
0.86 - 1.0	High
0.70 - 0.85	Moderately High
0.41 - 0.69	Moderate
0.40 and below	Low

Section 103. Landscaping Requirements

Part E. Vehicular Accommodation Area Landscaping.

Landscaping areas shall be provided in vehicular accommodation areas and impervious surfaces so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. All vehicular accommodation areas shall be landscaped such that the following requirements are met:

1. **Street yard lawn required.** When any parking spaces are to be placed within fifty (50) feet of a public or private right-of-way, a minimum width of eight (8) feet lawn is required parallel to the street right-of-way on the applicant's property. This section applies to all the public and private streets that the property fronts upon. This area shall not be used for parking, sidewalks, or trails, but shall be maintained as a planting strip for grass, trees, and/or shrubs.
2. **Vehicular accommodation area landscaping required.** Vehicular accommodation areas shall be designed so that a minimum of twelve (12) percent of the impervious surface area (excluding building areas only) is dedicated to vegetative landscaping. However, vegetative fences and berms that screen the vehicle accommodation areas from adjacent properties and all adjacent street rights-of-way may be applied to meet the requirements of this section. A minimum of fifty (50) percent of the required vegetative landscaping area shall be located in the interior of the vehicle accommodation area as landscaping islands at the end of parking bays, inside medians, or between parking spaces.
3. **Landscaping standards in vehicular accommodation areas.** Vehicle accommodation areas shall be shaded by large deciduous trees (either retained or planted by the developer) that have or will have when fully mature, a trunk of at least twelve (12) inches in diameter. When large trees are planted by the developer to satisfy the requirements of this subsection, the developer shall follow guidelines set forth in Appendix C. In providing landscaping to satisfy the requirements of this section, Table E.3.1 shall provide the amount of landscaping required. When determination of the number of trees and shrubs required by this table results in a requirement of fractional tree or shrub, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one tree/shrub.

Section 103. Landscaping Requirements

Table E.3.1
Required Trees and Shrubs.

Impervious Surface Intensity (ISI)	Large Deciduous Trees Required per every 1000 sq.ft. VAA	Large Shrubs Required per every 1000 sq.ft. VAA	Small Shrubs Required per every 1000 sq.ft. VAA
High	0.33	1.2	1.8
Moderately-high	0.25	0.8	1.2
Moderate	0.2	0.4	0.6
Low	0.16	0.2	0.3

- a. All plantings shall be evenly distributed throughout the vehicular accommodation area such that at least forty (40) percent of the required trees and shrubs shall be provided in the interior of the vehicular accommodation areas as landscaping islands at the end of parking bays, inside medians, or between parking spaces.
- b. Those trees and shrubs that are planted in required buffer yards that are not immediately adjacent to the vehicle accommodation areas may be applied to meet the requirements of this section. However, the vegetated buffer areas shall not account for more than fifty (50) percent of the required trees and shrubs.

4. **Limited exceptions:**

- a. In vehicular accommodation areas that provide more parking spaces than required by Section 102. Off-Street Parking Requirements., the required landscaping shall be increased by ten (10) percent.
- b. The required landscaping shall be reduced by five (5) percent in vehicular accommodation areas that:
 - i. provide at least thirty (30) percent of the required parking spaces along the side or the rear of the principal structure on the lot; or
 - ii. are designed in such a manner that the vehicular accommodation areas are distinctly divided into smaller units (each less than 25,000 sq.ft) by structures, substantial landscaping islands or berms; or

Section 103. Landscaping Requirements

- iii. incorporate the required storm water detention area into a unified landscaping design together with trees, shrubs, berms, lawns, walkways, and other water features; or
 - iv. provide shared parking as per Section 102. Off-Street Parking Requirements.; or
 - v. incorporate alternative paving such as paving grids which allow grass to grow of a minimum of twenty (20) percent of the total vehicular accommodation area (peak hour parking spaces).
- c. The required landscaping shall be reduced by ten (10) percent if:
- i. at least one (1) large deciduous tree is proposed or retained for every thirty (30) feet of street frontage along the right-of-way of all public and private streets fronting the lot. The tree proposed or retained shall have a trunk of at least 12 inches in diameter when fully mature. Trees provided or retained to satisfy this section of the ordinance may either be placed evenly or in clusters so as not to hinder views of signs and buildings.
 - ii. small evergreen shrubs are planted as a screen along the all the vehicle accommodation areas that are visible from any street right-of-way or adjacent property.
 - iii. adequate provision is made for pedestrian and bicycle traffic by installing walkways, bikeways, bicycle parking, and similar facilities within vehicle accommodation areas.

Note: The developer shall be eligible for cumulative reduction in landscaping requirements if more than one of the exceptions is applied to the proposed development.

5. General standards for landscaping.

- a. Barriers, such as curbs or wheel stops shall be provided between vehicular accommodation areas and landscaped areas so as to protect all plantings.
- b. Each interior planting island shall contain a minimum of two hundred (200) square feet in area and shall be a minimum of eight (8) feet in width.

Section 103. Landscaping Requirements

- c. Each large tree at the time of planting shall be a minimum of two (2) inches in caliber and eight (8) feet in height. When mature, a large deciduous tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet. Every large deciduous tree that is required by Table E.3.1 may be substituted by two (2) understory trees. However, no more than fifty (50) percent of the required large deciduous trees may be substituted.
 - d. When large and small shrubs are planted by the developer to satisfy the requirements of this subsection, the developer shall follow guidelines set forth in Appendix C. A minimum of forty (40) percent of all the required shrubs shall be evergreen shrubs.
6. **Location.** Required landscaping, including the eight (8) foot lawn space shall be located outside existing and proposed street rights-of-way as identified by the City of Jacksonville Thoroughfare Plan as amended. The proposed landscaping plan shall comply with any planning documents adopted and amended by City Council. Required trees and shrubs may be located in utility easements by approval of the Technical Review Committee. No trees or shrubs greater than twelve inches (12") shall be planted in sight triangle(s) of driveways and streets without approval from the reviewing authority. On State maintained roads, both NCDOT and City standards shall apply.
7. **Maintenance.** The property owner shall be responsible for maintaining all vegetation required by this section in a healthy condition. The Landscaping Superintendent for the City shall inspect property for any dead, unhealthy, or missing vegetation and report it to the Zoning Administrator. The required vegetation shall be replaced upon written notice of noncompliance by the Zoning Administrator. Replacement shall occur at the earliest suitable planting season as determined by the Landscaping Superintendent.

Part F. Standards for Retention/Detention Ponds

(Amended 8/99)

It is the intent of this part to provide landscaping and fencing standards for all storm water retention/detention ponds required by the State of North Carolina in an effort to mitigate any safety, incompatibility or aesthetic issues they may cause. The landscaping required by this Part shall not be counted towards the total landscaping required by Part E of this section.

- 1) **Fencing Required.** Fencing shall be provided around the perimeter of all storm water retention /detention ponds located within the City and its ETJ. The required fence shall be four (4) feet in height. It shall be a steel or aluminum chain link fence with black or green vinyl coating. All fences should provide securable entrances to allow access for

Section 103. Landscaping Requirements

maintenance personnel and equipment, and to provide for the safety of citizens. In those instances that the entire property, or portion of the property on which a pond is located, is surrounded by a fence that is at least six (6) feet in height, an additional fence around the pond shall not be required.

- 2) *Shrubs Required.* Except for fence entrances, shrubs shall be provided around the perimeter of the required fence so as to screen one-half (50%) of the fence at maturity. The required shrubs shall be maintained at a height of four (4) feet. The particular variety of shrub(s) to be used to satisfy this requirement should come from Table F.1 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by the City.
- 3) *Understory Trees Required.* Understory trees shall be placed outside the required fencing at a rate of one (1) per fifty (50) linear feet of fencing provided around the pond. The particular variety of understory tree(s) to be used to satisfy this requirement should come from Table F.2 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by The City.
- 4) *Amortization of Existing Retention/Detention Ponds.* The Jacksonville City Council finds that the existence of retention/detention ponds that do not provide for adequate fencing surrounding the ponds causes a threat to the safety of the City's citizens. The Jacksonville City Council further finds that the existence of retention/detention ponds that do not provide for adequate landscaping surrounding the ponds are aesthetically displeasing and, hence, are detrimental to the general welfare of the City's citizens. Therefore, subject to other applicable provisions of this ordinance, all retention/detention ponds located within the City of Jacksonville's Planning and Zoning jurisdiction existing at the time of adoption of this Section shall, within one year after the effective date of this Section, be altered to comply with the provisions of this Section. In those instances that a pond is completely surrounded by an existing fence, or is otherwise shielded by dense natural vegetation that functionally prohibits access, that is at least four (4) feet in height at the time of adoption of this Section, the existing fence/vegetation may be used to satisfy the fencing requirements of this Section.

Section 103. Landscaping Requirements

Table F.1

Shrubs Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Glossy Abelia	<i>Abelia grandiflora</i>	3'-6'	3'-6'
Elaeagnus	<i>Elaeagnus puygehs</i>	5'-8'	8'-10'
Fatsia	<i>Fatsia japonica</i>	5'-7'	4'-6'
Chinese Holly	<i>Ilex cornuta cultivars</i>	Varies	Varies
Mugo Pine	<i>Pinus mugo</i>	5'-7'	8'-10'
Yaupon Holly	<i>Ilex vomitoria</i>	Varies	Varies
Winged Euonymus	<i>Euonymus alata compacta</i>	5'-7'	8'-12'
Pittosporum	<i>Pittosporum tobira</i>	6'-8'	12'-20'
Juniper	<i>Juniperus cultivars</i>	Varies	Varies
Holly Grape	<i>Mahonia aquifolium</i>	3'-6'	6'-8'
Viburnum	<i>Viburnum tinus</i>	4'-6'	2'-3'
Japanese Barberry	<i>Berberis thurthun</i>	5'-8'	4'-6'
Flowering Quince	<i>Chaenomeles speciosa</i>	4'-8'	4'-6'
Privet	<i>Ligustrum vulgare</i>	6'-8'	Varies
Indian Hawthorn	<i>Raphiolepis indica</i>	5'-7'	4'-6'
Japanese Yew	<i>Taxus species</i>	Varies	Varies
Burfordi Holly	<i>Ilex crenata</i>	Varies	Varies'

Section 103. Landscaping Requirements

Table F.2

Understory Trees Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Amur Maple	<i>Acer ginnala</i>	15'-20'	15'-20'
Japanese Maple	<i>Acer palmatum</i>	15'-25'	15'-25'
Redbud	<i>Cercis canadensis</i>	20'-30'	25'-35'
Flowering Dogwood	<i>Cornus florida</i>	20'-30'	20'-30'
Kousa Dogwood	<i>Cornus kousa</i>	20'-30'	20'-30'
Washington Hawthorn	<i>Crataegus phaenopyrum</i>	25'-30'	20'-25'
Carolina Silverbell	<i>Halesia carolina</i>	30'-40'	20'-35'
American Holly	<i>Ilex opaca</i>	20'-40'	18'-40'
Holly (large types)	<i>Ilex x cultivar</i>	15'-25'	15'-25'
Golden Raintree	<i>Koelreuteria bipinnata</i>	25'-40'	30'-40'
Crape Myrtle	<i>Lagerstroemia indica (x faurei)</i>	18'+	varies
Saucer Magnolia	<i>Magnolia x soulangeana</i>	20'-30'	15'-25'
Sweetbay Magnolia	<i>Magnolia virginiana</i>	20'-30'	25'-35'
Flowering Crabapple	<i>Malus hybrid</i>	varies w/	varies w/
Chinese Pistache	<i>Pistachia chinensis</i>	30'-35'	25'-35'
Flowering Cherry	<i>Prunus species</i>	varies w/	varies w/
Japanese Snowbell	<i>Styrax japonica</i>	20'-30'	20'-30'
'Emerald' Arborvitae	<i>Thuja occidentalis 'Emerald'</i>	15'-25'	5'-10'
American Hornbeam	<i>Corpinus caroliniana</i>	25'-35'	20'-25'

Part G. Landscaping Plan Required.

All proposed developments and expansions of existing development that result in a high or moderately-high impervious surface ratio intensity shall submit a landscaping plan for review containing the following information:

Section 103. Landscaping Requirements

1. General location, type, and quantity of plant materials
2. Existing plant materials and areas to be left in the natural state
3. Approved erosion control plan, if required
4. Locations, size and labels for all proposed plants
5. Plant lists with common name, quantity, and spacing and size of all proposed landscaping material at the time of planting
6. Location and description of other landscape improvements, such as islands, earth berms, walls, fences, buffer yards, sculptures, fountains, street furniture, lights, courtyards, or paved areas
7. Planting and installation details
8. Location of proposed buildings
9. Location of vehicular accommodation areas and internal traffic patterns
10. Location of overhead and underground utilities
11. Location of signage
12. Connection of existing streets
13. Zoning and land use of the subject and adjacent properties
14. The landscaping plan shall be drawn to scale and include a North arrow and necessary legends.
15. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

Part H. Time for Installation of Required Landscaping.

1. **Time limit.** All landscaping, including mulching and seeding shall be completed in accordance with the approved site plan prior to the issuance of a certificate of occupancy or a certificate of compliance for the site and shall follow the guidelines set forth in Appendix C.
2. **Extensions and Exceptions.** The Administrator may grant exceptions and extensions to the above time limit in the following circumstances:
 - a. Extensions may be granted due to unusual environmental conditions such as drought, hurricanes, over-saturated soil, or inappropriate planting season for the plant species, provided the developer or property owner provides the City with a cash bond ensuring the installation of the remaining landscaping. In such cases, the Buildings and Inspections Department may issue a temporary certificate of occupancy for a period of 30 to 180 days, depending on the

Section 103. Landscaping Requirements

Landscaping Superintendent's recommendation for the next earliest planting season. The bond shall be accompanied by documentation of the estimated cost of the remaining landscaping to be completed. The amount of cash bond shall be one and one half (1-1/2) times the cost of the plant material yet to be installed, based on the highest estimate received.

Section 104. Reserved



Request for City Council Action

Consent
Agenda
Item: **3**
Date: 2/9/2011

Subject: State Aid for Mosquito Control

Department: Public Services

Presented by: Johnny Stiltner, Streets Superintendant

Presentation: No

Issue Statement

The FY-2012 Application for State Aid for Mosquito Control is due by March 10, 2011. The application requires the City's governing body to adopt a Resolution designating an Agent to sign papers and to otherwise represent the City Council in matters relating to Mosquito Control. This is an ongoing grant program that provides regular and basic funding for the City's mosquito control program.

Financial Impact

This application will be for reimbursement of FY-2012 programmed funds for Mosquito control in an amount yet to be determined by the appropriate State Agency. Aid received in the past was \$29,467 in FY-2008, \$42,416 in FY-2009, \$14,630 in FY-2010, and FY-2011 is yet to be determined.

Action Needed

Consideration of Proposed Resolution.

Recommendation

Staff recommends Council move to approve the Resolution authorizing the City Manager to execute grant documents relating to Mosquito Control.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A NCDENR Application State Aid
- B Proposed Resolution



Staff Report

Consent
Agenda
Item:

3

State Aid for Mosquito Control

Introduction

The Division of Public Health Pest Management of DENR has indicated that there are chances that funds may not become available but applications must be submitted to meet the requirements for the program. Therefore, Staff is taking the initial steps in seeking State Aid Funding for Mosquito Control Operations in FY 2012. Data collection is on-going and this period covers July 1, 2011 through June 30, 2012.

Procedural History

In February 2010, an FY-2011 Application for State Aid for Mosquito Control was completed by the Streets Division. The North Carolina Department of Environment and Natural Resources required each participating governing body to pass a Resolution designating an agent to be their representative in Mosquito Control matters.

On February 2, 2010, City Council passed a Resolution designating then Interim City Manager, Mr. Ronald F. Massey, as the Agent to sign papers and to otherwise represent the City Council in matters relating to Mosquito Control. A new Resolution is needed to designate Mr. Richard L. Woodruff, City Manager, as the Agent to sign papers and to otherwise represent the City Council in matters relating to Mosquito Control.

Stakeholders

Street Division/Public Services Department
City Residents

Options

Approve the Resolution **RECOMMENDED.**

Approving the Resolution would enable the City to apply for State Aid in FY-2012.

Deny the Resolution

Denying the Resolution would render the City ineligible to apply for State Aid for Mosquito Control.

**FY 2012 Application
(July 1, 2011 through June 30, 2012)
State Aid for Mosquito Control**

(FOR CITIES, TOWNS AND DISTRICTS)

State Aid for Mosquito Control

**Public Health Pest Management
1631 Mail Service Center
Raleigh, North Carolina 27699-1631**

Courier 1631 MSC

**3285 Barrett Drive, Room 206
Raleigh, NC 27608**

(919) 571-4814

Attachment

A

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APPLICATION FOR STATE AID FOR MOSQUITO CONTROL

FISCAL YEAR 2012

Name of Organization: (Applicant) City of Jacksonville		
Street Address: 350-A South Marine Blvd		
City: Jacksonville	State: NC	County: Onslow
Nine-digit Zip Code: 28541-0128	Federal I.D. Number: 56-6000232	
Phone Number: 910-938-5333	Fax Number: 910-938-6510	
Contact Person: Johnny Stiltner		Alternate Contact to receive email notices about State Aid: Randy Gamble
E-Mail Address: <u>jstiltner@ci.jacksonville.nc.us</u>		Alternate's E-mail address: <u>rgamble@ci.jacksonville.nc.us</u>

Please supply ALL information requested.

Unless otherwise requested, the following specifications shall become part of any agreement between the applicant and the Public Health Pest Management Section, Division of Environmental Health, North Carolina Department of Environment and Natural Resources. State laws require contracting agencies to match state funding, dollar for dollar.

The applicant agrees to the following:

1. To conduct mosquito control activities as specified in the attached work plan. Any addendum to the work plan shall have prior written approval of the Division of Environmental Health before becoming a part of this agreement.
2. To assume such responsibility for claims for damage resulting from the operation of the program as is necessary to absolve the state of any of its departments, agencies or employees from any liability whatsoever from such claims.
3. To use funds provided by the Division of Environmental Health and those shown on the program application as being provided by the applicant exclusively for mosquito control in accordance with the "State Aid for Mosquito Control Rules."
4. To perform all mosquito control activities under the direction of a competent supervisor, and to apply pesticides under the supervision of a licensed applicator.
5. To submit reports in the format specified by the Division of Environmental Health on a monthly basis showing work performed, expenditures made of both local and state funds, equipment utilized, and material expended.
 - a. Applicant must maintain necessary program and financial records to facilitate:
 1. The verification of net expenditures by fiscal audits.
 2. The conduct of program review.
 3. The submission of required reports.
 4. The separation of water management funds (both local and state) from funds used for other mosquito control activities
 - b. Expenditure reports will be submitted through an invoice with a spreadsheet detailing expenses. The certification statement must be on the spreadsheet, signed by the person verifying figures.
6. To request and obtain any permits required by local, state, or federal governments.

Enabling Legislation:

SUBCHAPTER 18B - MOSQUITO CONTROL

SECTION .0100 - STATE AID FOR MOSQUITO CONTROL

Rules .0101 - .0108 of Title 15A Subchapter 18B of the North Carolina Administrative Code (T15A.18B .0101 - .0108); has been transferred and recodified from Rules .0202 - .0207 Title 10 Subchapter 10C of the North Carolina Administrative Code (T10.10C .0202 - .0207). Rules .0107 - .0108 of Title 15A Subchapter 18B of the North Carolina Administrative Code (T15A.18B .0107 - .0108); has been transferred and recodified from Rules .0209 - .0210 Title 10 Subchapter 10C of the North Carolina Administrative Code (T10.10C .0209 - .0210), effective April 4, 1990.

15A NCAC 18B .0101 PROGRAM APPLICATION FORMS

(a) Before aid is given in the form of cash, the mosquito control districts or other local governmental units shall submit program application forms to the Department. These forms shall be used for surveillance, water management, chemical control, biological control, and community education programs.

(b) Program application forms shall include at least the following:

- (1) Need statement describing mosquito problem to be abated;
- (2) Work plan describing procedures for meeting needs;
- (3) Annual budget itemizing salaries (by position) and other general operating expenses, including budgeted cost for contracted services. A separate itemized budget shall be submitted for all water management activities. Categories of budgeted costs eligible for reimbursement shall be provided by the Department;
- (4) Budgets shall include proposed equipment usage on an hourly basis within the limits provided by an equipment depreciation credit schedule which is authorized by the Department;
- (5) The signature of authorized officials;
- (6) When the applicant proposes to use approved insecticides or other approved materials requiring dispersal under the supervision of licensed personnel, then the licensed public operator is to be designated, including name and pesticide applicator registration number.

(c) The program application forms are available at the office of the Public Health Pest Management Section.

(d) Applications for state aid must be received in sufficient time to allow processing of applications and agreements prior to July 1 of the proposed funding year. Application due dates will be established annually by the Department, and will be communicated to interested local government units. Following the receipt of the applications, funds will be allocated, based on the applications received, on a matching and pro-rata basis as provided by these Rules.

History Note: Authority G.S. 130A-347;

Eff. February 1, 1976;

Readopted Eff. December 5, 1977;

Amended Eff. September 1, 1990; January 1, 1986; July 1, 1982; January 1, 1980

Please read all laws and rules governing state aid for a complete understanding of requirements.

North Carolina General Statutes Article 12 Part 1, 130A-346 – 130A-358

&

15A NCAC 18B.0101- 15A NCAC 18B.0108

MOSQUITO CONTROL NEEDS STATEMENT

A City with approximately 80,000 citizens covering 18 plus square mile area has an average of 30 or more complaints of mosquito problems. Our program is set up to handle all complaints and utilize a preventative maintenance program that targets the early stages in the life cycle of a mosquito, in addition to an adult pesticide spraying program.

We live in a coastal county and have our share of wetlands and other mosquito breeding areas. It is imperative that we continue a mosquito control abatement program.

Completion Instructions:

Answer accurately the five questions on the Mosquito Control Needs Statement, (Page 3a). If you do not have exact numbers for questions 1 to 4, provide you best estimates. For question 5, you may include such benefits as the value to your community of mosquito control for tourism, disease control, personal comfort, recreation activities and others.

MOSQUITO CONTROL NEEDS STATEMENT

City of Jacksonville – Onslow County
(Applicant)

January 27, 2011
(Date)

1. How many **permanent** residents does your mosquito control program serve?
81,000 People (This is usually the number of residents of your area.)
 2. How many **temporary** residents (tourist, etc.) does your mosquito control program serve?
288,202 People
 3. How many **square miles** does your mosquito control program serve?
19.50 Square miles (Total square miles in your program's area.)
 4. How many **requests** for mosquito control assistance (complaints) did you receive last year?
30 Complaints
 5. Estimate the percentage of your total budget that goes toward controlling each of the following kinds of mosquitoes: (Total *must* equal 100%)
 - a. Permanent water breeders (breed in ponds, swamps, marshes, ditches, lakes, bogs or other permanently flooded bodies of water). 33 %
 - b. Container breeders (breed in cans, tires, bottles, junk, holes in trees, or other small containers). 33 %
 - c. Flood water breeders (breed in flood plains of areas which are usually dry but flood due to rain). 33 %
 - d. Salt marsh breeders (breed in coastal salt marshes – *coastal programs only*). 1 %
 - e. Others: _____ %
What?
- TOTAL 100 %

MOSQUITO CONTROL WORK PLAN

The Mosquito Control Work Plan tells us what you plan to do to control mosquitoes during the upcoming year from, July 1, 2011 to June 30, 2012. Good mosquito control requires using a variety of different techniques together for maximum efficiency and cost effectiveness. If you have trouble filling out this plan, you should contact your regional medical entomologist for help, or call (919) 571-4814. This plan is attached to your contract for state aid and should be followed closely. Answer all questions below.

Mosquito Control Work Plan Instructions:

Answer questions 1 through 26 as accurately as possible describing what you intend to do to control mosquitoes. This plan will become the basis for your State Aid Contract and you will be expected to follow it closely. Deviations from the plan should be brought to the attention of your regional medical entomologist, except that you may exceed projected numbers of activities if needed.

Larval surveillance:

1. How many surveys will you do this year to locate temporary and long-term larval breeding sites? A survey is a visit to a potential mosquito-breeding site during which you look for larvae. Enter the number of surveys you plan to do during the year: 24
2. How many larval samples will you collect, save, record and identify this year? When completing the surveys from Question 1 above, how many of the surveys you conduct will also involve collecting larvae for laboratory identification? 18
3. How many catch basins will you sample? Catch basins are the constructions along streets where storm water collects. They can breed a lot of mosquitoes in some cases. If you work in a county program this question is probably not applicable to you. How many of the catch basins in your town or city will you sample for mosquitoes during the year? 120
4. How many retention/detection ponds will you sample? These ponds are being constructed much more frequently for storm water management and are usually associated with new developments or commercial building, particularly parking lots. They can breed mosquitoes if not designed, constructed and managed properly. How many of these ponds will you sample for mosquitoes? 60
5. How will you record the location of larval breeding sites you find in the coming year? (If more than one choice is selected, please number the choices according to priority, 1 being the highest, 5 being the lowest.)

<u>5</u> Push Pins, Dot Drawn on Map	<u> </u> File Cards
<u>1</u> Inspector Notes, Investigation forms	<u>1</u> Spreadsheet or Database
<u>1</u> Computerized Maps	<u>1</u> GPS with or without GIS

Adult surveillance:

6. How many light traps will you regularly run to determine the numbers and kinds of mosquitoes in your area? Enter the number of light traps that you run during the mosquito season to monitor adult mosquito numbers? 6
7. How many before-spraying and after-spraying landing counts will you do this year? Landing counts are a simple way to determine adult biting mosquito activity. The number of mosquitoes landing on your pants legs during a one-minute period is counted. How many of these counts will you do before and after spraying to determine how well your spraying is controlling mosquitoes? 0

8. How do you record and maintain complaints (requests for assistance in mosquito control):
 ___ None, do not record complaints 1 Paper List, Notes, File Cards
 ___ Spreadsheet (i.e. Excel) 1 Database (i.e. Access)
 1 Mapping (i.e. GIS) ___ Not Applicable
9. If you spray for adult mosquito control (adulticide), what methods will you use to determine the need for spraying?
 ___ Not Applicable 1 Light trap counts ___ Landing or biting counts
 1 Complaints ___ Do Not Spray

Public Information and Education:

10. How many press releases or interviews on mosquito control do you plan to do this year with local radio stations, television stations, or newspapers? Enter the number 6
11. How many educational talks will you give to schools, civic groups or professional groups this year? Enter the number 8
12. How many educational brochures or pamphlets on mosquito control will you distribute this year? (Give the total number of copies, not the number of different kinds of pamphlets.) 15,000
13. How many educational meetings will your staff attend this year? (National, state or local mosquito control association meetings, ULV or larviciding training courses, other mosquito control workshops, etc.) Enter the number of meetings your staff will attend 5
14. How many professional publications on mosquito control will your staff read this year? It's important to keep up with the latest in mosquito control technology by reading. How many publications will your staff have access to during the year? 4 4
15. How many of your staff will take the CDC Vector-borne Disease Control Course or professional courses on mosquito control this year? Enter the number here 0
16. How many of your staff will take pesticide safety or other safety courses this year? Enter the number here 4

Larval Mosquito Control:

17. Will you use Gambusia or other fish for larval mosquito control? X YES ___ NO ___ Not Applicable

18. List all larvicides you plan to use this year with the amount you plan to use:

BTI: Bactimos, Vectobac, Mosquito Dunks
 ___ Briquettes ___ Pounds ___ Gallons

Methoprene: Altosid
 3,500 Briquettes ___ Pounds .5 Gallons

B. sphericus: VectoLex
 ___ Briquettes ___ Pounds ___ Gallons

Monomolecular Surface Film: Agnique ___ Gallons

Surface Oils: Golden Bear/ GB111 ___ Gallons

Temephos: Abate ___ Pounds

19. Give the linear footage of existing mosquito control ditches you plan to clean out or maintain this year.
350,000 feet
20. Give the linear footage of NEW mosquito control ditches you plan to create this year: 25,000 feet
21. Give the linear footage of river or stream snagging you plan to do this year. 100 feet
22. Give the acreage of new mosquito control impoundments you plan to build this year. 0 acres
23. How many container clean up campaigns do you plan to do this year? Enter the number 0
24. How many catch basins will you larvicide this year? Enter the number 60

Adult Mosquito Control:

25. List all adulticides you plan to use this year and the amount you plan to use:

Permethrin (Permanone, Kontrol, Flit, Permethrin 57% OS, Aqua-Reslin, Biomist, etc.)
 Gallons (concentrate) 400 Gallons (ready to use)

Sumithrin (Anvil)
 Gallons (concentrate) Gallons (ready to use)

Malathion (Fyfanon, Atrapa)
 Gallons

Naled (Dibrom, Trumpet)
 Gallons

Pyrethrin (Pyrenone)
 Gallons

Resmethrin (Scourge)
 Gallons (concentrate) Gallons (ready to use)

26. If you use adulticides as anything but truck-mounted ULV sprays, list the other method you use.

Retention Schedule

Applicant – 2 years

DENR – 10 years and follow the Records Disposition Schedule issued by Division of Archives and History.

MOSQUITO CONTROL LOCAL BUDGET

FISCAL YEAR 2012 (July 1, 2011 through June 30, 2012)

City of Jacksonville
(Applicant)

January 27, 2011
(Date)

In the budget columns below, provide individual amounts for applicable line items and a total for the budget columns. **This information is required for eligibility certificate and allocation computations.** Include only LOCAL budgeted amounts. Water Management budgets MUST be listed separately.

ITEM DESCRIPTION	CLASSIFICATION	ITEM NUMBER	LOCAL BUDGETS	
			WATER MANAGEMENT	ALL OTHER CONTROLS
	Salaries	1000	252,14000	58,71400
SOCIAL SECURITY	S.S.	1000	19,28900	4,49200
RETIREMENT CONTRIBUTION	RET.	1000	19,07300	4,77500
HOSPITAL INSURANCE	HOSP INS	1000	48,09500	12,74400
SUPPLIES (Inc. insecticides)	E/M SUPL	2000		24,90500
OFFICE SUPPLIES	OFC SUPL	2000		50400
EMPLOYEE TRAVEL	EMP TRAVEL	2000	3,20000	2,00000
TELEPHONE	TEL SVC	2000	3,65100	1,07800
POSTAGE	POSTAGE	2000		
EQUIPMENT REPAIRS	EQPT REP	2000	84,88400	4,18800
MOTOR VEHICLE SUPPLIES	AUTO SUPL	2000		
MOTOR FUEL AND LUBRICANT	FUEL	2000	50,16200	4,50700
OTHER CONTRACTED PERSONAL SERVICES	O CON PS	2000	9,55000	13,50000
OTHER CONTRACTS AND GRANTS	SUB CNTR	6000	3,60000	
		TOTALS	493,64400	131,40700

In order to receive state funds or to use as matching funds, contractual services and grants with individuals, companies or other agencies must be pre-approved by the state. Local contracts must mirror the state contract in substance and required forms. Please return copies of all contract agreements with this application. Expenses that are being reimbursed by other sources are not eligible for reimbursement from the state nor can they be used as matching funds.

Mosquito Application – Salary Information

Local budgets should reflect all sources of revenue for mosquito control generated at the local level.

Water management budget must be listed in the "Water Management" column, separate from the budget for other forms of control. Water Management is defined as the removal of organic or inorganic sediments to sustain water levels for mosquito oviposition control or to maintain predaceous fish populations.

Other forms of control eligible for state financial aid include: surveillance, public education and training, chemical control and biological control. Your local budget for these combined should be listed in the "All Other Controls:" column.

Be sure to attach your "Depreciation Credit Schedule for Equipment and Credit Allowance" form DENR 2952. -page 9

SALARIES of all employees who will work under this agreement:

List position title for each employee working in mosquito control, number of hours dedicated to mosquito control activities, salary rate per hour and the total salary for mosquito control activities projected for the position for the contract period in each row below: (Do not include Social Security, retirement contribution or hospital insurance in the calculations on this page.)

POSITION TITLE	HOURS	SALARY RATE PER HOUR	TOTAL SALARY
Superintendent	100	\$28.3442	\$ 2,834.00
St. Maintenance Supervisor	1040	\$21.6637	\$22,530.00
St. Maintenance Supervisor	1040	\$19.8286	\$20,622.00
Crew Leader	1040	\$18.8012	\$19,553.00
Crew Leader	1040	\$16.2986	\$16,951.00
Crew Leader	1040	\$16.2986	\$16,951.00
Crew Leader	1040	\$18.1504	\$18,876.00
Crew Leader	1040	\$16.7000	\$17,368.00
Equipment Operator II	1040	\$14.8368	\$15,430.00
Equipment Operator II	1040	\$15.6925	\$16,320.00
Equipment Operator I	1040	\$14.6333	\$15,219.00
Maintenance Worker III	2080	\$15.9192	\$33,112.00
Maintenance Worker II	2080	\$12.3085	\$25,602.00
Maintenance Worker II	1040	\$12.7484	\$13,258.00
Maintenance Worker II	1040	\$13.1365	\$13,662.00
Maintenance Worker II	1040	\$12.3085	\$12,801.00
Maintenance Worker I	1040	\$17.6127	\$18,317.00
Maintenance Worker I	1040	\$11.0076	\$11,448.00

COMBINED TOTAL: \$ 310,854.00

(The combined total should equal the total given on the preceding page under the "Salary" line item.)

Retention Schedule:

Applicant – 2years

DENR – 10 years and follow Records Disposition

Schedule issued by Division of Archives & History

Depreciation Credit Schedule for Equipment and Credit Allowance

Mosquito Control

(State owned equipment is not eligible for depreciation credit)

Applicant _____

Date _____

EQUIPMENT CLASS	CREDIT ALLOWANCE RATE PER HOUR	Record PROPOSED PIECES of EQUIPMENT IN USE	Record PROPOSED OPERATIONAL HOURS in the space given. (Per PC per Year) (Maximum allowance given in each box)	CREDIT ALLOWANCE (see below**)
Small Excavator (Less than 1/2 cu.yd.)	\$ 6.00	1	(Maximum of 200 hrs. PER unit)	1,200.00
Large Excavator (1/2 cu.yd. or greater)	\$ 15.00	1	(Maximum of 1200 hrs. PER unit)	18,000.00
ULV Sprayer	\$ 5.00	3	(Maximum of 200 hrs. PER unit)	3,000.00
Space Sprayer (All types)	\$ 4.65	2	(Maximum of 200 hrs. PER unit)	1,860.00
Truck, Jeep, or Tractor (All types)	\$ 2.00	3	(Maximum of 200 hrs. PER unit)	1,200.00
Service Truck (Water Management ONLY)	\$ 2.00	2	(Maximum of 1200 hrs. PER unit)	4,800.00
Snagging Units	\$ 9.00	9	(Maximum of 1200 hrs. PER unit)	5,400.00
	TOTAL	21	TOTAL	35,460.00

ULV Model / Description

Serial Number

Grizzly Smart Flow _____
Grizzly Smart Flow _____
LECO _____

102127 _____
102128 _____
7001381 _____

City _____
City _____
City _____

NOTE: A MAXIMUM of 200 hours per year per piece of equipment for surveillance, education, chemical control, or biological control is allowed for computing the monetary value of depreciation credits. A MAXIMUM of 1200 hours per year per piece of equipment for physical control (Water Management) is allowed for computing the monetary value of depreciation credits. **State owned equipment can not be included for depreciation credits.**

**** To compute the "CREDIT ALLOWANCE"** for each class of equipment, multiply the "CREDIT ALLOWANCE" rate times the "PROPOSED NUMBER IN USE" times the "PROPOSED OPERATIONAL HOURS". Enter this figure in the "CREDIT ALLOWANCE" blank for each class of equipment. Add all the "CREDIT ALLOWANCE" rows and put the total in the box at the bottom designated for Total \$. Also, add all the "PROPOSED NUMBER IN USE" blanks and put the number in the box of the column designated for "TOTAL" equipment in use.

Be sure NOT to exceed the "Proposed Operational Hours" maximum for each class of equipment.

See page 10 for the retention schedule and more instructions.

DEPRECIATION CREDIT SCHEDULE FOR EQUIPMENT AND CREDIT ALLOWANCE FOR MOSQUITO CONTROL

Instructions for completing the sections for surveillance, education, chemical, biological and physical control (Water Management) Programs:

1. Specify the number of each piece of equipment proposed to be in use under "Proposed Number in Use."
2. Show the proposed number of operating hours (*not to exceed hourly maximum for each category of activities*) under "Proposed Operational Hours."
3. Compute Credit Allowance amount for each class of equipment and enter under "Credit Allowance. To compute "Credit Allowance" for each class of equipment, multiply the "Credit Allowance Rate Per Hour" TIMES the "Proposed Number in Use" TIMES the "Proposed Operational Hours."
4. Show the total of the combined amounts under "Total" and "Total \$" at the bottom of columns.
5. The following definitions should be used for the "Equipment Class" column:

Small Excavator: Excavator with a bucket of less than ½ cubic yard capacity. Small excavators are generally used for maintenance of existing water management ditches.

Large Excavator: Excavator with a bucket of ½ cubic yard or greater capacity. Large excavators are generally used for the initial excavation of water management ditches.

***ULV Sprayer:** Ultra Low Volume (ULV) Sprayers dispense concentrated insecticides in very fine droplets (micron size). They are generally used for adulticiding.

Space Spray: Space sprayers dispense insecticide in large droplets. They are generally used for adulticiding and barrier spraying.

Truck, Jeep or Tractor: This class includes *only* equipment used for surveillance, educational, biological control or chemical control. Do not include equipment used for water management activities.

Service Truck: This class includes only trucks used for water management work.

Snagging Units: These machines are used to remove primary organic debris (stumps, logs, etc.) from water channels as part of water management work.

If there are other major pieces of equipment used in mosquito control work, contact the Mosquito Control Program, (919) 571-4814 and we will work out a deprecation schedule for the "Credit Allowance."

****Provide serial numbers for ULV's****

****State owned ULV's do not qualify for depreciation credit and must be omitted from the "Depreciation Credit Schedule for Equipment and Credit Allowance****

Retention Schedule:

Applicant - 2 Years

DEH 10 Years and follow Record Disposition Schedule issued by the Division of Archives and History

REQUESTING AUTHORITY FROM CITIES, TOWNS OR DISTRICTS

City of Jacksonville – Onslow County

Name of City, Town or District

By: _____

Signature of Authorized Official

Richard L. Woodruff

Typed Name of Authorized Official

City Manager

Typed Official Title of Above

Date: _____, 2011

All city, town, and district applications are required to be signed by your county health director to indicate his or her concurrence of need.

George R. O'Daniel

County Health Director

Date: January 27, 2011

If your proposed mosquito control work plan involves the use of chemicals, you must list the name and license number of your public health operator below. If your proposed work plan does not include the use of any chemicals, then you do not need to list the operator.

Johnny J. Stiltner

Name of Licensed Operator

032-3679

License Number

You must complete DENR Form 1239 "Resolution to be Adopted by the Board of Commissioners Designating Official to Sign Necessary Papers and to Otherwise Represent Board in Connection with Mosquito Control" and submit it with this application.

*Note: All required signatures on this page **must** be secured **or** this application will **not** be processed.*

**RESOLUTION TO BE ADOPTED BY THE BOARD OF COMMISSIONERS
DESIGNATING OFFICIAL TO SIGN PAPERS AND TO OTHERWISE REPRESENT
THE BOARD IN CONNECTIONS WITH MOSQUITO CONTROL**

Upon motion of _____,
(Name)

seconded by _____,
(Name)

it is here by ordered that _____,
(Name)

as agent for _____,
(Governmental Unit)

is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes. (S) He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said

_____, are in all respects validated, approved and confirmed.
(Governmental Unit)

The undersigned _____,
(Name)

clerk of the _____, hereby certifies that the
foregoing is a true copy of the resolution of the

_____ at
(Governing Unit)

a meeting held on the _____ day of _____, 2011.

Clerk

The Division of Environmental Health agrees to the following:

1. To provide funds as reports are received and processed for approved work up to the contract amount as shown on the contract budget with exceptions specified in the General Provisions Section of this agreement.
2. To provide payments from the contract funds as follows:
 - a. Payments are to be made no later than the 20th day of the next month after the reporting period, provided required reports are submitted on the last working day of the reporting period.
 - b. Final payments are to be made within 45 days after the end of the contract period, provided the required reports are submitted by the last working day of the contract period.
3. To provide technical assistance to the applicant program to the extent possible. Such assistance will include assistance with mosquito species identification, location of breeding sources, need for abatement, recommendations for abatement techniques, minimum standards for approval, approval by designated representatives, or assistance with state or federal permitting procedures.

General Provisions:

1. Funds allocated and covered by the contract budget may be increased or decreased under the following conditions:
 - a. When it is apparent that the total contract amount will not be needed prior to expiration of this contract.
 - b. When it is apparent that the contract budget amount is not sufficient to cover the demands placed on the program due to unforeseen events or unusual circumstances contributing to increased infestation of mosquitoes and provided that funds are available.
2. Such determinations will be made as soon as possible after the second quarter of the fiscal year.
3. A sixty (60) day notice on the part of either party showing just reason for termination is required by this agreement.

Mosquito Control Activities:

Mosquito Control Activities eligible for state financial aid include surveillance, education (public and program workers), both chemical control of larval and adult mosquitoes, biological control of larval mosquitoes, and physical control (water management) of larval mosquitoes.

Surveillance involves the monitoring of adult or larval mosquitoes, their predators and parasites, other aquatic organisms associated with the mosquito larvae, and the environmental conditions in their habitats. Data gathered during surveillance activities are used as the basis for all other control activities.

Educational activities are used to inform the public about home mosquito control and to train local mosquito control workers. Examples of educational activities are the production or distribution of pamphlets, films or posters, the production of radio or television programs, talks at civic meetings, and attendance by mosquito control workers at training programs.

Chemical control involves the use of sprays, dust, powders, briquettes or other methods of dispensing insecticides [we include the use of *Bacillus thuringiensis israelensis* (BTI) as chemical control]. Chemical control usually involves the use of application equipment. Chemical control is usually temporary, but sustained release formulations may also be used. Only insecticide approved for mosquito control by state and federal agencies may be used. All pesticides must be stored and applied according to applicable state and federal regulations.

Biological control of larval mosquitoes involves the use of living predators, parasites and pathogens. These may be purchased, collected and transported, or reared locally. Examples of biological control include mosquito fish (*Gambusia affinis*), the fungal pathogen *Lagenidium giganteum*, and nematodes. There are no adequate biological controls for adult mosquitoes, which can be used operationally, at present.

Physical control of larval mosquitoes usually involves water management. Water management is the removal of standing water through surface or sub-surface drainage, or the maintenance of water levels at high enough levels to support sustained populations of larvivorous fish. Water management may be accomplished through excavation of organic or inorganic sediments, removal of organic or inorganic impediments to flow, or the construction of dams, dikes or impoundments. Both initial construction and maintenance of water management ditches are eligible for financial aid. All new construction must be justified through mosquito surveillance as determined by the Division of Environmental Health.

CHECKLIST FOR PROGRAM APPLICATIONS AND ATTACHMENTS FOR STATE MOSQUITO CONTROL

_____ **"Application for State Aid for Mosquito Control"** (DENR Form 1554) prepared in duplicate. Retain one copy and send the other copy to address below.

_____ **Appropriate signature pages and Resolution.** Must have original signatures, obtained in 2011. A signature stamp cannot be used, nor can anyone other than the designated signer, sign the forms. Faxes or copies of the signature pages will disqualify the applicant submitting the application.

_____ **Licensed Public Health Pesticide Applicator** designated if chemicals are to be applied. **Both Name and License Number *must* be included.**

_____ **"Mosquito Control Annual Budget"** (DENR Form 2951) attached. This may require certification after your annual budget is approved. Applicants having water management projects in addition to other forms of control are required to submit separate budgets for water management.

_____ **"Depreciation Credit Schedule for Equipment and Credit Allowance"** (DENR Form 2952) completed and attached.

_____ **"Mosquito Control Needs Statement"** (DENR Form 2953) completed and attached.

_____ **"Mosquito Control Work Plan"** (DENR Form 2954) completed and attached.

ADDITIONAL REQUIREMENT

All local contracts that will be paid with state funds or that will be used as matching funds must be approved by the state in advance. Please include copies of your agreement(s) when submitting this application. The contracts are to mirror the state contract in content and requirements. The contracts must include the workplan, the proposed budget with a breakdown of individual charges and any required forms.

RETURN COMPLETED TO:

PUBLIC HEALTH PEST MANAGEMENT
NCDENR- DIVISION OF ENVIRONMENTAL HEALTH
1631 MAIL SERVICE CENTER
RALEIGH NC 27699-1631

STATE COURIER 1631 MCS

On-site Deliveries
PUBLIC HEALTH PEST MANAGEMENT
NCDENR- DIVISION OF ENVIRONMENTAL HEALTH
3285 Barrett Drive, Room 206
RALEIGH, NC 27609
(Telephone Number: 919 571-4814)

Retention Schedule:
Applicant – 2 years

DENR- 10 years and follow Records Disposition Schedule issued by the Division of Archives and History

RESOLUTION (2011-)

DESIGNATION OF AN OFFICIAL TO SIGN PAPERS AND TO OTHERWISE
REPRESENT THE JACKSONVILLE CITY COUNCIL
IN CONNECTION WITH MOSQUITO CONTROL

WHEREAS, upon a motion made by _____, and seconded by _____, and passed on a _____ vote, it is hereby ordered that Richard L. Woodruff, City Manager, as an agent for the City of Jacksonville is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes; and

WHEREAS, the City Manager is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville that, in regards to this Resolution, acts of said person on behalf of the City of Jacksonville are in all respects validated, approved and confirmed.

Adopted by the Jacksonville City Council in regular session, this 9th day of February, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B



Request for City Council Action

**Consent
Agenda
Item:**

4

Date: 2/9/2011

Subject: Preliminary and General Plan – Padgett Tract – Western Boulevard & Branchwood Drive (Future Western Parkway)
Department: Planning & Development Services
Presented by: Jeremy B. Smith, Planner
Presentation: No

Issue Statement

Parker and Associates has submitted an application for a proposed preliminary and general plan that indicates 9.87 acres being divided into 5 commercial lots (1 of which is for stormwater pond) at the intersection of Branchwood Drive and Western Boulevard. The plan also depicts an unnamed private drive that will connect to the future Northwest Parkway.

The proposed development is located within the City Limits. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

Consideration of the Preliminary and General Plan

Recommendation

City Staff and Planning Board recommend City Council move to approve the Preliminary and General Plan with 1 condition identified within the Staff Report.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Draft Planning Board Minutes, January 24, 2011
- B Preliminary and General Plan
- C Zoning and Land Use Map



Staff Report

Preliminary and General Plan – Padgett Tract
Western Boulevard & Branchwood Drive (Future Western Parkway)

Introduction

Parker and Associates has submitted an application for a proposed preliminary and general plan that indicates 9.87 acres being divided into 5 commercial lots (1 for stormwater) at the southern corner of Branchwood Drive and Western Boulevard. The plan also depicts an unnamed private drive that will connect Gateway Drive South to Branchwood Drive (future Northwest Parkway).

The proposed development is located within the City Limits. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On December 6, 2010, Parker and Associates submitted this request for review and approval.
- On January 24, 2011, the Planning Board recommended approval of this request
- On February 9, 2011, City Council will consider this request.

Stakeholders

- Douglas S. Padgett – Owner
- Parker and Associations – Applicant/Engineer/Land Planner
- Adjacent property owners

Zoning Assessment

The property is located within the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the northwest across Branchwood Drive by property approved for development of a hotel and restaurant, zoned CU-B-1; to the northeast, southeast and southwest by undeveloped property, zoned B-1.

Traffic Assessment

Due to the location of this subdivision (adjacent to the future Northwest Parkway), any proposed developments on these lots will require a Transportation Impact Analysis, review

and approval by the City of Jacksonville and the North Carolina Department of Transportation (NCDOT).

Sewer Flow Allocation Assessment

The proposed development is located within the City Limits. Sewer Allocation requests will be processed in accordance with the adopted policy.

Open Space/Recreation Land

Commercial subdivisions do not require designation of open space/recreation land.

Options

A. Approve the Preliminary and General Plan as presented.

- Pros: The proposed plan meets all applicable City standards.
- Cons: Proposed stormwater detention pond would not reflect new regulations being review by the Planning Board and City Council

B. Approve the Preliminary and General Plan with staff recommended conditions.

RECOMMENDED

Plan Condition: Stormwater detention pond shall adhere to new regulations regarding landscaping and design.

C. Defer Consideration of the request.

- Pros: Deferral would allow applicant to address any concerns the City Council may have.
- Cons: Delays the applicant's ability to proceed with any proposed developments on multiple lots.

D. Deny the Preliminary and General Plan request.

- Pros: None
- Cons: Plan meets all applicable City standards. Denial would be arbitrary.



Planning Board Minutes – January 24, 2011

Consent
Agenda
Item:

4

Preliminary and General Plan – Padgett Tract Western Boulevard & Branchwood Drive (Future Western Parkway)

Parker and Associates has submitted an application for a proposed preliminary and general plan that indicates 9.87 acres being divided into 5 commercial lots (1 for stormwater) at the southern corner of Branchwood Drive and Western Boulevard. The plan also depicts an unnamed private drive that will connect Gateway Drive South to Branchwood Drive (future Northwest Parkway).

The proposed development is located in the City's ETJ, however an annexations hearing is currently scheduled for January 18, 2011. Annexation of this development will need to occur before sewer allocation is considered. Sewer Allocation requests will be processed in accordance with the adopted policy.

City Staff recommends the Planning Board move to approve the Preliminary and General Plan with 1 condition identified within the Staff Report.

Mr. Keyes states he understands this is a development of a piece of property where there is no building proposed for it. Jeremy replied yes the only actual construction will be the private drives and sidewalks that go along with that. Mr. Keyes asked how will they access the new roadway coming through there? Jeremy replied they are proposing to tie into the Western Parkway. Mr. Keyes states there would have to be some kind of access road in there, I don't see a lot of curve cuts into a Parkway.

Mr. Spring asked Mr. Parker about the back of Branchwood if it would not have access to the Parkway. Mr. Parker states he does not have the answer to that question. Mr. Spring asked is Branchwood Drive going to complete, because the way this looks (referring to the map) if you are allowing this property to the expressway and you are not allowing the back of Branchwood access to the expressway, then I would recommend you rename that Road and not call it Branchwood.

Mr. King replied there have been some discussions that have come up at staff's level about not calling it Branchwood. Our NPO Division is working on that. Mr. Parker replied this portion of the roadway is going to be called Western Parkway. Mr. King replied it is listed on the General Plan prepared by Parker & Associates which is stating the new name Western Parkway. Mr. Parker states we would be connecting to what is currently Branchwood Dr. in the future Parkway (referring to the map) and our internal Drive connects out to Western Blvd. That connection to the future Parkway currently Branchwood Dr. is the pre designated location that DOT has set.

Attachment

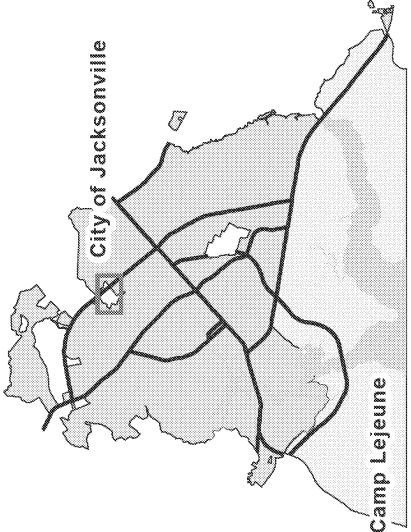
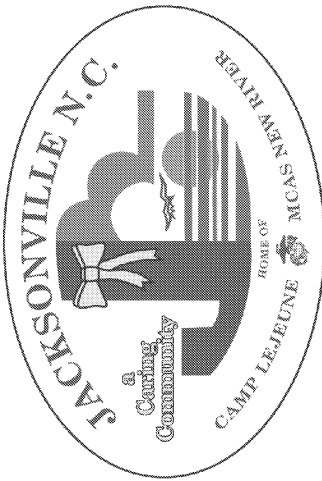
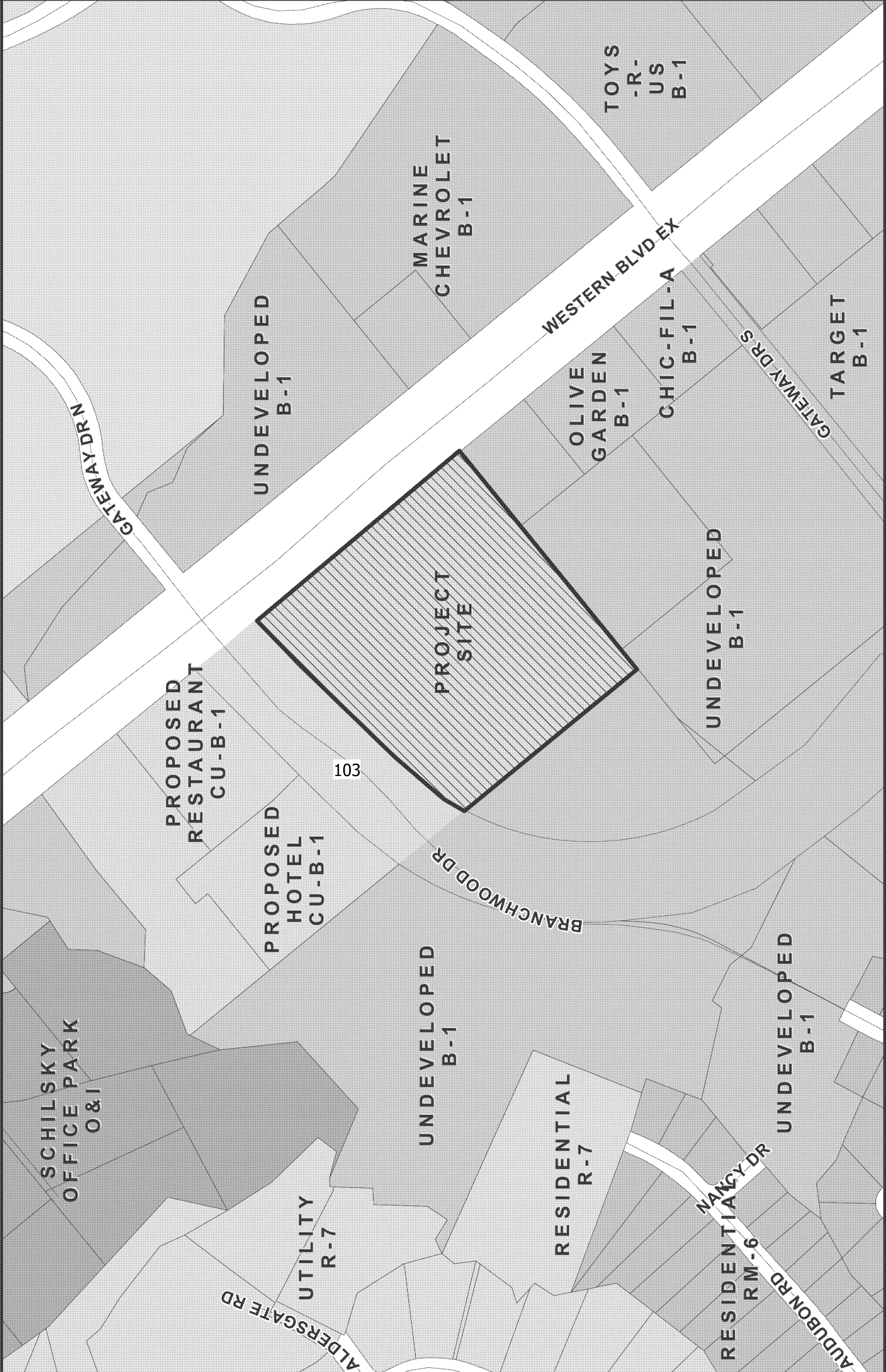
A

Ms. VanderVere asked will the Parkway have a lot of exits or will this be the first exit after Highway 17? Mr. Parker replied I have seen some of the access points from 17 over to Western and they are probably located to every 600 ft. Mr. King replied once you cross 17 you will have a new road that goes between the State Employee Credit Union and the Ruby Tuesday's; that will be your first cut. Then you can go past that and you can do a u-turn and go back that way because the Super Streets will be designed will be utilized so it will not be like a full (T) intersection. You will have to go east to come back West. Then you go down and the next cut is between the Lowe's and Bed Bath & Beyond.

Chuck Quinn moved to approve the Preliminary and General Plan for the Padgett Tract. Homer Spring seconded the motion.

The motion to approve the Preliminary and General Plan for the Padgett Tract was unanimously approved by the Board Members present.

Padgett Tract - Western Blvd.



Legend

Centerlines
Parcels

Zoning TV Colors

Zones

IND
CU-B
B-1
CU-B-1
B-2
CU-B-2
O&I
CU-O&I
TCA
CU-TCA
CBD
OMU
NB
CU-NB
R-O
RA-20
CU-RA-20
RS-12
RS-10
R-7
RS-7
RS-6
RM-6
RS-5
RM-5
CU-RM5
RD-5
RD-3
CU-RD-3
MR

Attachment

C



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Request for City Council

**Consent
Agenda
Item:**
Date:

5

2/9/2011

Subject: Site Plan with approved Conditional Use Permit – River of Life Church –
1940 Gum Branch Road
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: No

Issue Statement

John L. Pierce and Associates has submitted an application for a Site Plan with an approved Conditional Use Permit for an existing 13,424 square foot church with a proposed 864 square foot expansion for a combined total is 14,388 square feet. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this zoning district any use requires a Conditional Use Permit which was granted by City Council on June 9, 1998.

The project site is located within the City limits and served by existing infrastructure; and will not impact the City's Sewer Allocation Policy.

Financial Impact

None

Action Needed

Consideration of the Site Plan with approved Conditional Use Permit

Recommendations

City Staff and Planning Board recommend City Council move to approve the Site Plan with approved Conditional Use Permit.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Draft Planning Board Minutes, January 24, 2010
- B Zoning and Land Use Map
- C Site Plan



Staff Report

Site Plan with approved Conditional Use Permit
River of Life Church – 1940 Gum Branch Road

Introduction

John L. Pierce and Associates has submitted an application for a Site Plan with an approved Conditional Use Permit for an existing 13,424 square foot church with a proposed 864 square foot expansion for a combined total is 14,388 square feet. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this zoning district any use requires a Conditional Use Permit which was granted by City Council on June 9, 1998.

The project site is located within the City limits and served by existing infrastructure; and will not impact the City's Sewer Allocation Policy.

Procedural History

- On June 9 1998, City Council approved the Conditional Use Permit and Site Plan for this site with the following condition:
 1. Construction of the facilities and infrastructure to be in accordance with the approved site plan.
- On November 22, 2005 City Council approved a site plan that depicted a 10,497 expansion.
- On December 13, 2010 John L Pierce and Associates submitted an application requesting approval of this site plan.
- On January 24, 2011 the Planning Board recommended approval of this request
- On February 9, 2011 City Council will consider this request.

Stakeholders

- River of Life, Inc – Owner
- John L. Pierce and Associates – Applicant/Surveyor
- Adjacent property owners

Zoning Assessment

The property is located within the City limits and zoned Conditional Use Business 1(CU B-1). It is bordered to the north by the City of Jacksonville Nanofiltration water plant, zoned B-1;

to the east by apartments, zoned B-1; to the west by mixed residential and some light commercial, zoned RM-6; and to the south across Gum Branch Road by single family residential, zoned R-7.

Parking Assessment

Section 102 requires 1 space per 4 seats in the main assembly area for churches. The site is required parking totaling 134 spaces; however the current existing parking on the site includes 171 spaces. No additional parking is required with this proposed expansion.

Sewer Flow Allocation Assessment

The project site is located within the City limits and served by existing infrastructure; and will not impact the City's Sewer Allocation Policy.

Options

**A. Approve the Site Plan with approved Conditional Use Permit as presented.
(RECOMMENDED)**

- Pros: The site plan meets all applicable City standards.
- Cons: None.

B. Deny the Site Plan with approved Conditional Use Permit request.

- Pros: None.
- Cons: The site plan meets all applicable City standards. Denial of the request could be perceived as arbitrary and capricious.

C. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.



Planning Board Minutes – January 24, 2011

Consent
Agenda
Item:

5

Site Plan with approved Conditional Use Permit
River of Life Church – 1940 Gum Branch Road

John L. Pierce and associates has submitted an application for a site plan with an approved Conditional Use Permit for an existing 13,424 square foot church with a proposed 864 square floor expansion, the combined total is 14,388. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this zoning district any use requires a Conditional Use Permit which was granted by City Council on June 9, 1998.

The project site is located within the City limits and served by existing infrastructure; therefore, these proposed uses will not impact the City's Sewer Allocation Policy.

Staff recommends Planning Board move to approve the site Plan with approved Conditional Use Permit.

Ms. Joos asked, the site plan said this is a temporary classroom. Jeremy replied yes that is how it is being called. Ms. Joos replied like the schools. Jeremy stated yes.

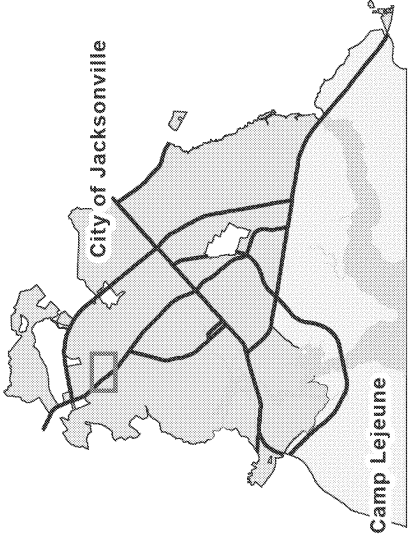
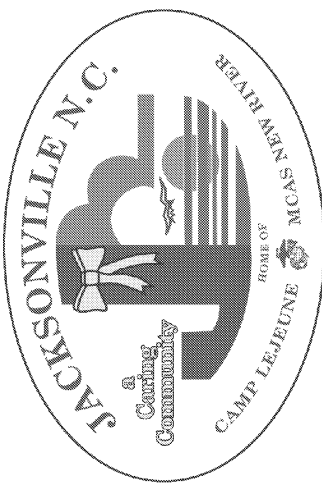
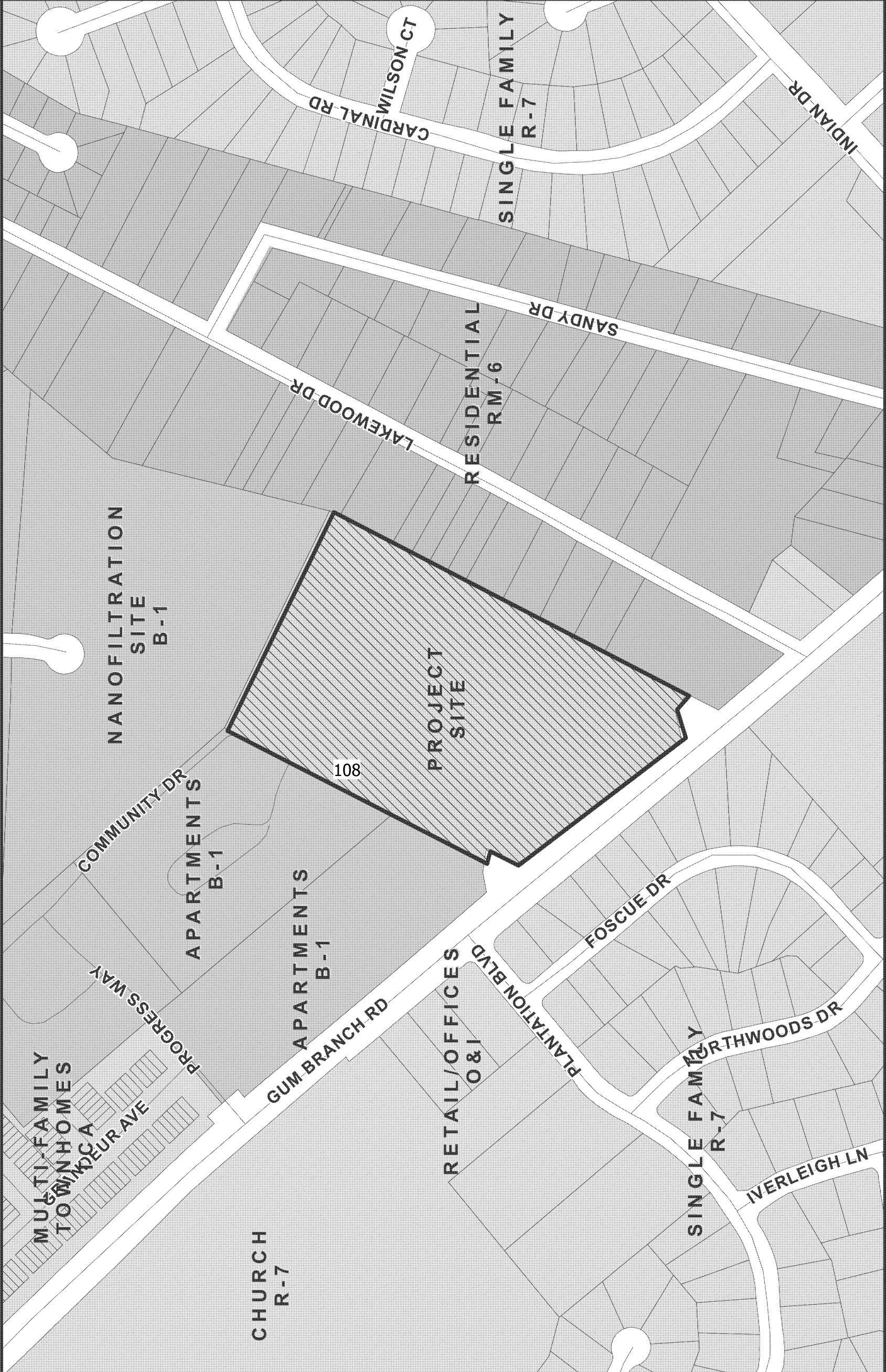
Chuck Quinn moved to approve the River of Life Church with the already approved conditional use permit. Vice Chairperson Sandra Wyrick seconded the motion.

The motion to approve the River of Life Church with the already approved conditional use permit was unanimously approved by the Board Members present.

Attachment

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River of Life Church - 1940 Gum Branch Road



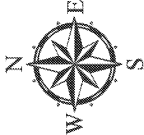
Legend

- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Attachment

B

CONSTRUCTION NOTES:

1. LOCATION OF EXISTING WATER MAINS TO BE VERIFIED AT THE TIME OF CONSTRUCTION. ALL EXISTING WATER MAINS SHALL BE RELOCATED TO THE PROPOSED GRADE AND WATER AT THE CITY OF JACKSONVILLE STANDARDS. SEWER TO BE ABANDONED BELOW FINISH GRADE & WATER AT THE CITY OF JACKSONVILLE STANDARDS. SEWER TO BE ABANDONED BELOW FINISH GRADE & WATER AT THE CITY OF JACKSONVILLE STANDARDS.
2. THIS SITE IS SUBJECT TO SELECT CLEARING AND NO CLEARING WILL BE DONE WITHOUT THE OWNER OR HIS REPRESENTATIVE'S APPROVAL.
3. SITE SUPERVISION TO PLACING AND SELECTING MATERIAL REMOVAL AND DISPOSAL ARE REQUIRED TO BE PROVIDED THROUGHOUT THE CONSTRUCTION PROCESS.
4. AN EROSION CONTROL PLAN IS NOT REQUIRED FOR THIS SITE AS PER THE CITY OF JACKSONVILLE'S ENGINEERING - STORMWATER DIVISION. ALL DISTURBED AREAS WILL BE STABILIZED WITHIN 15 WORKING DAYS OF COMPLETION OF GRADING. ALL SEDIMENT MUST REMAIN ON SITE THROUGHOUT THE CONSTRUCTION PROCESS.
5. ALL STORM WATER HANDLING FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH N.C.D.M.R. 15A NC 15A-0101.01.
6. ALL PAVERMENT AND STONE BASE SHALL BE INSTALLED AS PER N.C.D.O.T. STANDARDS AND SPECIFICATIONS AS SHOWN IN DETAILS.
7. EROSION CONTROL MEASURES SHALL BE INSTALLED AS PER N.C.D.O.T. STANDARDS AND SPECIFICATIONS AS SHOWN IN DETAILS.
8. MAXIMUM BUILDING HEIGHT IS LESS THAN 50'.
9. AS THIS SITE IS DEVELOPED, ALL ENVIRONMENTAL REQUIREMENTS SHALL BE MET.
10. CONSTRUCTION CONTRACTOR TO COORDINATE WITH THE POWER COMPANY PRIOR TO RELOCATE.
11. CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.
12. NATURAL GAS IS NOT AVAILABLE TO THIS SITE WITH SURFACE DRAINAGE (AS SHOWN).
13. THERE ARE EXISTING UTILITY, DRAINAGE AND VEHICLE ACCESS EASEMENTS ON THIS SITE.
14. ALL APPLICABLE FACILITY CHARGES MUST BE PAID PRIOR TO RECEIPT OF THE BUILDING PERMIT.
15. ADJACENT PROPERTIES SHALL BE POSTED AS TO NOT ADVERSELY AFFECT ROADWAY TRAFFIC OR PRODUCE POSITIVE DRAINAGE.
16. THIS PROPERTY IS IN FLOOD ZONE X, WHICH IS OUTSIDE THE 100-YEAR FLOOD PLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) 17084C001.
17. THERE ARE NO AREAS OF ENVIRONMENTAL CONCERN OTHER THAN THOSE SHOWN.
18. AREAS NOTED FOR TRAILS AND GREENWAYS AND/OR REQUIRED SIDEWALKS SHALL BE UNDISTURBED FROM 6 INCHES BELOW GRADE TO 10 FOOT ABOVE GRADE (OVERHEAD CLEARANCE). TELEPHONE PEDESTALS, ELECTRIC TRANSFORMERS, DROP INLETS, FENCES OR ANY OTHER OBSTRUCTIONS SHALL BE REMOVED PRIOR TO CONSTRUCTION.
19. BE FREE OF CRACKS AND DAMAGE PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY.
20. PROPOSED SIDEWALK BETWEEN PROPOSED BUILDING & EXISTING PARKING TO BE 7' IN WIDTH.
21. ALL EXISTING SIDEWALKS SHALL BE RECONSTRUCTED TO MATCH EXISTING SIDEWALKS.
22. THEY SHALL BE REGRADED TO HAVE 3:1 OR FLATTER SIDE SLOPES AND THE CENTERLINE GRADED TO PRODUCE POSITIVE DRAINAGE.

PRE-CONSTRUCTION NOTES:

1. ALL CONSTRUCTION MUST BE COMPLETED IN ACCORDANCE WITH THE CITY OF JACKSONVILLE MANUAL OF SPECIFICATIONS, STANDARDS, AND DESIGN (MSSD). A COPY OF THIS MANUAL IS AVAILABLE IN THE CITY OF JACKSONVILLE OFFICE OF THE CITY ENGINEER.
2. PRIOR TO COMMENCING CONSTRUCTION THE CONTRACTOR SHALL SCHEDULE A PRECONSTRUCTION CONFERENCE WITH THE CITY OF JACKSONVILLE AT CITY HALL.

TOTAL ACRES = 650,000.40 S.F. (2.64 AC)

TOTAL DISTURBED AREA = 1,418.27 S.F. (0.03 ACRES) (NOT FOR LANDSCAPE USE)

APPROXIMATE LOCATION OF

PROPERTY LINE (PER CITY OF JACKSONVILLE)

WOODLAND SUBDIVISION

ZONED R-7

PROPOSED USES:

TYPE OF USES: CHURCH/CLASSROOM

TYPE OF USES: COMMERCIAL

TYPE OF USES: RESIDENTIAL

TYPE OF USES: INDUSTRIAL

TYPE OF USES: OFFICE

TYPE OF USES: RETAIL

TYPE OF USES: SCHOOL

TYPE OF USES: SERVICE

TYPE OF USES: STORAGE

TYPE OF USES: TRADING

TYPE OF USES: WAREHOUSE

TYPE OF USES: YARD

TYPE OF USES: ZONED

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Request for City Council Action

**Consent
Agenda
Item:** **6**
Date: 2/9/2011

Subject: Appointment to Board of Trustees for Firemen's Relief Fund

Department: Fire

Presented by: Rick McIntyre, Fire Chief

Presentation: No

Issue Statement

One seat on the Board of Trustees for the Firemen's Relief Fund is due for appointment.

City Council appointed Mr. Mandy Daughtry to the Board of Trustees for the Firemen's Relief Fund in 1997. He has continued to serve on the Board since that time.

Mr. Daughtry has expressed an interest in serving an additional two-year term.

Financial Impact

None

Action Needed

Council consideration of re-appointing Mr. Mandy Daughtry to the Board of Trustees for the Firemen's Relief Fund for a two-year term.

Recommendation

Staff recommends that Council consider re-appointing Mr. Mandy Daughtry to the Board of Trustees for the Firemen's Relief Fund.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Consent
Agenda
Item:

6

Appointment to Board of Trustees for Firemen's Relief Fund

Introduction

The Firemen's Relief Fund was created by the State Fire and Rescue Commission for the following purposes:

- To safeguard any fireman in active service from financial loss, due to sickness and injury while performing their duties.
- To provide a reasonable support for those actually dependent upon the services of any fireman who may lose his life in the fire service.
- To provide assistance, upon approval by the Secretary of the State Firemen's Association, to a destitute member who has serviced honorably for at least five years.
- To provide for the payment of any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds as a fact that the said firemen is unable to pay the said assessment by reason of disability.
- To provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firefighters otherwise qualifying for benefits from the Firefighters' Relief Fund.
- To provide for educational benefits to firemen and their dependents.

North Carolina General Statute – Firemen's Relief Fund

In accordance with Article 84, Section 58.84-30 of the North Carolina Firemen's Relief Fund Statute, there shall be appointed a local board of trustees, known as the Trustees of the Firemen's Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department or departments who are qualified as beneficiaries of such fund; two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Commissioner of Insurance.

The Current Membership for the Board of Trustees for the Firemen's Relief is as follows:

Appointing Authority	Person Appointed
City Council	Marshall Dotson
City Council	Mandy Daughtry
Fire Department	Mike Koonce
Fire Department	Sharon Graham
NC Commissioner of Insurance	Bobby Jarman

Note: The Fire Chief is an ex-officio member of the Board of Trustees.



Request for City Council Action

**Consent
Agenda
Item:** **7**
Date: 2/9/2011

Subject: Resolution Authorizing Filing of an LGC Application
Department: Finance
Presented by: Adah M. Roberts, Finance Director
Presentation: No

Issue Statement

The City is requesting proposals to finance the Jacksonville Commons and Jack Amyette Gym Floor Replacement Project in the amount of \$323,000. In order to enter into an Installment Financing Contract which includes improvements to real property, the City must file an application with the Local Government Commission. The Local Government Commission also requires the City to adopt a Resolution granting permission to file the application.

Financial Impact

\$500 application fee. This cost is already included in the budget and therefore does not require a budget amendment.

Action Needed

Consider the Resolution authorizing staff to file the application for approval of the Installment Financing Contract for Gym Floor Replacements.

Recommendation

Staff recommends Council move to adopt the Resolution authorizing Staff to file the application for approval of the Installment Financing Contract for Gym Floor Replacements.

Approved: ☐ City Manager ☐ City Attorney

Attachments:

A Resolution

RESOLUTION (2011-)

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
WITH THE LOCAL GOVERNMENT COMMISSION FOR
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE 160A-20 FOR
GYM FLOOR REPLACEMENT PROJECT

WHEREAS, the City of Jacksonville, North Carolina desires to replace the gym floors at Jacksonville Commons and Jack Amyette Recreation Facilities, (“the Project”) at a cost of \$323,000; and

WHEREAS, the City of Jacksonville desires to finance a total of \$323,000 for the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Jacksonville, North Carolina, meeting in regular session on the 9th day of February, 2011, make the following findings of fact:

1. The proposed contract is necessary in that it will provide desired improvement of current and future City services.
2. The proposed contract is preferable to a bond issue for the same purpose because the issuance cost of a bond issue would be greater than the contract method of financing.
3. The sums to fall due under the contract are adequate, can reasonably be repaid within future years’ budgets and are not excessive for the proposed purpose.
4. The annual audits have shown the City to be in compliance with debt management policies, and that the budgetary and fiscal management policies are financially sound in accord with law and that the debt service to be undertaken is within the statutory debt authorization limits of the City.
5. The authorization of the proposed financing will not impact the ad valorem tax rate.
6. The City is not in default in any of its debt service obligations.
7. The attorney for the City of Jacksonville will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
8. The probable net revenues of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

Attachment

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NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to act on behalf of the City of Jacksonville in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 9th day of February, 2011.

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk



Request for City Council Action

Agenda Item:	8
Date:	2/9/2011

Subject: Fire Safety Advisory Board – Appointment

Department: Fire

Presented by: Rick McIntyre, Fire Chief

Presentation: No

Issue Statement

The Fire Safety Advisory Board has six (6) vacancies in the categories of General Business, Marine Corps Base, Developer, Hotel/Motel, and two (2) At Large.

Four (4) of these vacancies occurred recently due to attendance violations.

One new talent bank application was received in the category of Developer. The applicant was contacted and wishes to serve.

Council Member Jerry Bittner is the Council Liaison to the Fire Safety Advisory Board.

Financial Impact

None

Action Needed

Seek Nominations

Close Nominations/Vote on Appointment

Recommendation

Consider appointing one (1) member to the Fire Safety Advisory Board to an existing term expiring June 30, 2014 in the category of Developer.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Talent Bank Application



Staff Report

Agenda Item:	8
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Fire Safety Advisory Board

<u>Applicant Desiring Appointment</u>		
Name	Category	Current Service on City Board Commission
Steven M. Kellum	Developer	None

City of Jacksonville
Application for Appointment to Boards and Commissions

I, the undersigned am interested in community service and I provide this information for use by the City Council in considering my qualifications for appointment to the following Boards/Commissions.

Effective October, 17, 2004: Except for active duty military personnel, appointees to the City of Jacksonville Boards and Commissions must be registered to vote within Onslow County.

(Please refer to the attached Boards and Commissions Summary Sheet for information and/or specific qualifications that may be required for appointment to a particular Board and for information regarding the City's Shadow Leadership Program.)

If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here: _____

List your Board/Commission Preferences in priority order below:

1. FIRE SAFETY ADVISORY BOARD
2. _____
3. _____
4. _____

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here: _____

Name: STEVEN M. KELLUM Spouse: N/A

Home Address: 1050 COUNTRY CLUB DR., JACKSONVILLE, NC 28546

Work Name and Address: QUADRANT CONSTRUCTION, INC., 166 CENTER ST., JAX, NC 28546

Home Telephone: 358-4187 Work Telephone: 937-0003

Fax: 938-5905 Email Address: STEVENKELLUM@QCENC.COM

Are you registered to vote in Onslow County: ☒ YES ☐ NO

Do you reside within the Jacksonville City Limits? YES If Yes, for how long: 7 YEARS

Do you reside within Onslow County? YES Or, is your place of employment within Onslow County? YES

Please describe your current and past Civic or Community Involvement:

NONE

Please describe special talents, experience, education or training that you feel qualifies you for service on the selected Boards or Commissions:

LICENSED GENERAL CONTRACTOR SINCE 1993. MANAGED OR CONSTRUCTED MANY PROJECTS IN JACKSONVILLE/ONSLow COUNTY (RESIDENTIAL, MULTI-FAMILY, COMMERCIAL, EDUCATIONAL) RANGING IN VALUE FROM \$50K TO \$20M. I FEEL THAT MY CONSTRUCTION BACKGROUND WOULD BE AN ASSET TO THIS BOARD.

Continued on Next Page

- Steve Kell
Signature

Please return this form to:
City Clerk's Office, City of Jacksonville
815 New Bridge St. Jacksonville, NC 28540
Phone: 910-938-5224 FAX 910-455-6761

Contact Notes: